

# THE MADRAS LEGISLATIVE ASSEMBLY.

**Monday, 30th January 1956.**

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI N. GOPALA MENON) in the Chair.

## I.—ANNOUNCEMENT BY THE HON. SPEAKER *RE*

### (1) ELECTION OF ONE MEMBER TO THE BOARD OF INDUSTRIES.

MR. SPEAKER: I would like to announce to hon. Members that the election to the Industries Board will be by the single transferable vote, that is, hon. Members will have to mark 1 and 2 and not merely put a cross mark.

### (2) OBSERVANCE OF SILENCE IN MEMORY OF MARTYRS IN THE CAUSE OF INDIA'S FREEDOM.

MR. SPEAKER: I also desire to announce that silence will be observed to-day for two minutes at 11 a.m. in memory of those who gave up their lives in the struggle for India's freedom. I shall be happy if all hon. Members are present in the House and in their seats to show respect to those persons who gave up their lives in the freedom struggle.

## II.—QUESTIONS AND ANSWERS.

### STARRED QUESTIONS.

#### *Higher and Secondary grade teachers' training*

\* 3039\* Q.—SRI K. VINAYAKAM: Will the Hon. the Minister for Finance and Education be pleased to state—

(a) whether it is a fact that Advisory Committees have been appointed to assist the District Educational Officers to select candidates for Higher and Secondary grade teachers' training;

(b) the basis on which members are chosen to serve on the Advisory Committees; and

(c) the names of the members of the Committee for the Chingleput district?

THE HON. SRI C. SUBRAMANIAM: (a) In the case of Government Basic Training Schools alone Advisory Committees have been constituted with the District Education Officer or the Inspectress of Girls' Schools as a member. One of the functions of the Committee is the selection of candidates for admission into Basic Training Schools.

(b) The Advisory Committee consists of the Controlling Officer, i.e., the District Educational Officer or the Inspectress of



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Schools as the case may be, the head of the institution concerned, the Presidents of the respective district boards and a non-official interested in basic education.

(c) The names of the non-official members are as follows :—

Government Basic Training School, Chingleput—Sri N. P. Krishnaswami Reddiar.

Government Basic Training School, Tirur—Dr. P. R. Raghuraman.

Government Basic Training School for Women, Kancheepuram—Dr. (Mrs.) Amirthaswami.

SRI K. VINAYAKAM : May I know, Sir, whether the Hon. Minister is of opinion that no Assembly Member belonging to the Chingleput district believes in basic education whereas in a similar selection in South Arcot district, a Member of this House has been selected by the Selection Board of that district, and no member of the district has been selected for similar membership in Chingleput district?

THE HON. SRI C. SUBRAMANIAM : Sir, being a M.L.A. is no bar to be appointed as a member of this Advisory Committee. The recommendations of the District Educational Officer and of the Director of Public Instruction are taken into consideration and appointments were made only for one year. I think in the next year, the suggestion of the hon. Member may be considered.

SRI K. VINAYAKAM : Sir, is the Hon. Minister aware of the fact that Sri Govindaswami Nayagar, M.L.A., of South Arcot district, does not believe in basic education, and may I know on what basis was he chosen to serve on this committee?

THE HON. SRI C. SUBRAMANIAM : I think the hon. Member's information is wrong about the attitude of Sri Govindaswami Nayagar regarding basic education. He has assured me in person that he believes in basic education, and he has faith in it.

SRI V. R. KRISHNA AYYAR : In view of the controversy about non-official members and official members and their views, will the Government hereafter insist upon a declaration from the members concerned that they *bona fide* believe in basic education before they can serve on such committees?

THE HON. SRI C. SUBRAMANIAM : No such written declaration is necessary. After all the attitudes of persons are well-known.

SRI V. BALAKRISHNAN : Sir, for the Advisory Committee functioning and meeting in Tanjore, may I know why a Member from Pattukkottai was nominated ignoring and overlooking an important Member of this House residing in Tanjore Municipal limits?

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**THE HON. SRI C. SUBRAMANIAM :** I am sorry this question relates to the Chingleput district. I do not have the facts regarding Tanjore district.

**SRI T. C. NARAYANAN NAMBIAR :** Sir, in view of the fact that a large number of teachers apply for training in non-basic elementary and secondary grade training schools, and also in view of the fact that there is a very great rush for the said training, will the Government consider the question of constituting advisory committees for the selection of teachers for training in non-basic schools also?

**THE HON. SRI C. SUBRAMANIAM :** The policy of the Government is to convert all the non-basic training schools into basic training schools in the very near future. Therefore, when that happens, I do not think there will be any necessity to consider the suggestion which the hon. Member has made.

**SRI S. RAMALINGAM :** நண்பர் வினாயகம் கேட்ட கேள்விக்கு கனம் மந்திரி அவர்கள் பதில் அளிக்கையில், "அட்வைசரி கமிட்டியில் செங்கல் பட்டு சட்டசபை அங்கத்தினர்கள் சேர்க்கப்பட்டிருக்கிறார்கள்" என்று சொன்னார்கள் அக்கமிட்டியில் செங்கல்பட்டு ஜில்லா அங்கத்தினர் மாத்திரம் சேர்த்துக்கொள்ளப்படுமா? அல்லது மாகாணம் பூராவிலுள்ள வேறு ஜில்லாக்களிலுள்ள அங்கத்தினர்களும் நியமிக்கப்படுவார்களா?

**THE HON. SRI C. SUBRAMANIAM :** நான் பொதுவாகத்தான் சொன்னேன்.

**SRI K. C. GOPALAN UNNI :** Sir, is it not a fact that many of the District Educational Officers themselves do not believe in this basic education, and may I bring it to the notice of the Government that they have been privately confessing that they do not believe in this policy?

**THE HON. SRI C. SUBRAMANIAM :** I do not think the statement of the hon. Member is correct that most of the District Educational Officers do not have faith in the basic education. After all, people do change their views. Opinion is now veering sound in favour of basic education not only with reference to non-officials but also with reference to officials. Also I may inform the hon. Member that there is now a proposal to give training to all the District Educational Officers in basic education methods.

**SRI P. SELVARAJ :** Sir, may I know whether the non-official members appointed now will continue for the next year or fresh appointments will be made?

**THE HON. SRI C. SUBRAMANIAM :** My impression is that the appointments are for one year.

**SRI C. KANDASAMY :** உத்தியோகப் பற்றற்ற கமிட்டிகள் நியமிப்பதில் எதிர்க்கட்சி அங்கத்தினராக உள்ளவர்கள்கூட, ஜனங்களுக்குப் பதில் சொல்லக் கடமைப் பட்டிருக்கிறார்கள். ஆதலால் அக்கூட்டங்களைக் கண்வீன் செய்ய மற்ற கட்சித் தலைவர்களும் அப்போதைக்கப்போது கலந்துக் கொள்ளப்படுவார்களா?



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**THE HON. SRI C. SUBRAMANIAM :** எதிர்க்கட்சி அங்கத்தினர் என்ற காரணத்தினால் அவர்கள் கமிட்டியில் நியமிக்கப்படவில்லை என்று சொல்வது சரியல்ல. ஏனென்றால் ஸ்ரீ கோவிந்தசாமியை கமிட்டியில் நியமித்திருப்பதிலிருந்தே இது நன்றாக விளங்கும். ஆகவே யாரைப் போட்டால் கமிட்டி நன்றாக நடக்கும் என்ற முறையில் தீர் ஆலோசித்து தான் நியமிக்கப்படுகிறது.

**SRI K. VINAYAKAM :** Is the Hon. Minister aware of the common adage that a single swallow does not make summer? Similarly as far as the Chingleput district is concerned, only the sympathizers of the Congress party are drafted on to serve on this committee, whereas there are other Assembly Members who are qualified in teaching, who have obtained degrees from the University of Madras and who still believe in basic education, but whose claims have been overlooked. Will the Hon. Minister kindly issue instructions to the department concerned to reconstitute this committee at least on a logical basis in the coming year?

**THE HON. SRI C. SUBRAMANIAM :** All these aspects were taken into consideration. Also the aspect that these committees should function smoothly without trouble was taken into consideration and then only the appointments were made.

9-10  
a.m.

**SRI V. BALAKRISHNAN :** செங்கல்பட்டில் மட்டுமில்லை. புதுக்கோட்டை, தஞ்சாவூர் முதலிய இதர இடங்களிலும் காங்கிரஸ் காரர்களுக்கே சலுகை கொடுக்கப்பட்டு அவர்களே இந்தக் கமிட்டிகளுக்கு நியமிக்கப்பட்டிருப்பதை கனம் மந்திரி அவர்கள் அறிவார்களா?

**THE HON. SRI C. SUBRAMANIAM :** மற்ற ஜில்லாக்களைப் பொறுத்த மட்டில் என்னிடத்தில் தற்சமயம் விபரங்கள் இல்லை என்று இதற்கு முன்பே நான் சொன்னேன். ஆதாரக் கல்வியில் யாருக்கு நம்பிக்கை இருக்கிறதோ அவர்களைத்தான் இந்தக் கமிட்டிகளுக்கு நியமிக்க வேண்டியிருக்கிறது. ஆதாரக் கல்வியில் நம்பிக்கை இருக்கிறவர்கள் எதிர்க்கட்சியைச் சேர்ந்தவர்களா இருந்தாலும் அவர்களையும் நியமித்திருக்கிறோம் என்பதைப்பற்றி ஸ்ரீ விநாயகமே எடுத்துச்சொன்னார்கள்.

### *States Reorganization Commission Report*

\* 3078 Q.—**SRI P. RANGASWAMI REDDIAR :** Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have examined the States Reorganization Commission's Report; and

(b) the steps the Government propose to take for the inclusion of all territories with a majority of Tamil speaking people with the Madras State?

**THE HON. SRI C. SUBRAMANIAM :** (a) Yes, Sir.

(b) The Government of India have been addressed in the matter.

**SRI P. RANGASWAMI REDDIAR :** Who is the ultimate and final authority in the matter of States Reorganization? How and when the idea of the formation of Zonal States and especially

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Dakshina Pradesh originated and to whose advantage? What is the Tamil-speaking territory which has been preserved and gained by the present Ministry?

**THE HON. SRI C. SUBRAMANIAM :** The hon. Member has put a series of questions and I would request the hon. Member to put them one by one.

**SRI P. RANGASWAMI REDDIAR :** So far as the present Ministry is concerned, there is an impression that it has been losing one territory after another; may I know what is the territory that has been gained for the Tamilians by this Ministry?

**THE HON. SRI C. SUBRAMANIAM :** Sir, it is not a question of territory conquest by the Ministry. It is a question of reorganization of States and it is a question of what would be desirable and proper from the point of view of reorganization of States. As far as I could see—even though we do not claim that we have got that area—the five taluks of the Travancore-Cochin State are proposed to be merged with the Madras State. I do not claim it as a gain which this Ministry secured, but consider it as a proposal made by the States Reorganization Commission and also accepted by the Government of India.

**SRI V. R. KRISHNA AYYAR :** Have the Government framed their attitude towards the move for a State where the Tamil-speaking people did not count for anything by merging them in a large State and thereby producing instead of reorganization, a disorganization of States?

**THE HON. SRI C. SUBRAMANIAM :** Sir, I am glad the hon. Member is expressing his opinion with regard to the proposal of having larger units. But, the Government have not yet formulated their own opinion about the formation of a bigger State.

**SRI V. BALAKRISHNAN :** Who conceived the idea of this unwanted monster, Dakshina Pradesh? Are the Government been playing the part of midwife for the delivery of Dakshina Pradesh? (Laughter.)

**THE HON. SRI C. SUBRAMANIAM :** To look after midwives is purely the function of the hon. Member. As far as the other part of the hon. Member's question is concerned, whether it is an unwanted monster or not, the proposal has been made and it is in the air. No final decision has been taken on that.

**SRI T. C. NARAYANAN NAMBIAR :** Sir, the Government have been saying that they have referred to the Government of India the claims of the majority of the Tamil-speaking area in the Travancore-Cochin State. May I know whether the Government have also referred to the Government of India the claims of the majority of Malayalam-speaking people in Gudalur? May I know whether the Government have taken into account the language spoken in the respective areas when they suggested a solution to the Government of India?



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**THE HON. SRI C. SUBRAMANIAM :** With regard to Gudalur, there was a separate question the other day and I have already answered that as well as a sufficient number of supplementaries.

**SRI K. P. GOPALAN :** May I know whether the Central Government have made any consultation with this Government regarding the formation of Dakshina Pradesh?

**THE HON. SRI C. SUBRAMANIAM :** No, Sir, The Central Government have not made any proposal to this Government with regard to the formation of the Dakshina Pradesh.

**SRI S. RAMALINGAM :** நம் ராஜ்ய முதன் மந்திரி அவர்கள் பிரதம மந்திரி ஜவஹர்லால் நேரு அவர்களை சமீபத்தில் சந்திக்கும்பொழுது தகஷணப் பிரதேசம் பற்றி சம்பாஷிக்கப் போகிறார்கள் என்ற செய்தி பிரசுரமாயிருக்கிறது. இது விஷயமாக சர்க்கார் எண்ணத்தைப்பற்றி பேசப் போகிறார்களா, அல்லது சொந்த முறையில் பேசப்போகிறார்களா? சர்க்கார் எண்ணத்தைப்பற்றி பேசப்போகிறார்கள் என்றால், இது விஷயமாக சர்க்கார் என்ன முடிவு செய்திருக்கிறார்கள்?

**THE HON. SRI C. SUBRAMANIAM :** நானும் அந்த செய்தியை இன்று பத்திரிகையிலே பார்த்தேன். இது பற்றி முதல் மந்திரியுடன் ஆலோசிக்க எனக்கு இதுவரையில் இன்னும் சந்தர்ப்பம் கிடைக்கவில்லை. முதன் மந்திரி அவர்களும் இப்பொழுதுதான் வந்திருக்கிறார்கள்.

**SRI S. RAMALINGAM :** Will the Hon. the Chief Minister, who is bodily present here, be pleased to answer my question?

**SRI M. JAGANNATHAN :** In view of the fact that there is a great unrest and agitation all over Tamilnad on the question of Devikulam and Peermede muddle, will the Government consider the desirability of conducting a plebiscite if necessary, in these disputed areas?

**THE HON. SRI C. SUBRAMANIAM :** Sir, I do not think the principle of plebiscite has been accepted by the Government of India. But, I may tell the House that the entire matter is under consideration by the Central Government. The ultimate authority is the Parliament and I am sure all these aspects will be taken into consideration when the Parliament takes a final decision.

**SRI S. PANCHAKSHARAM :** Will the Hon. Minister be pleased to state what will be the total population of Tamil-speaking people in this State and the total population of the Travancore-Cochin State alongside with Malayalam-speaking people?

**THE HON. SRI C. SUBRAMANIAM :** It rather seems to be a test for my memory. Anyway, I shall try to answer it. As for Madras as proposed to be constituted according to the recommendations of the Central Government, the population will be about 3 crores. Out of that, 5 lakhs will be Malayalees, 13 lakhs will be Telugus and about 5 will be Kannadigas if I remember aright. As for the proposed Kerala State with Malabar included in it, the population will be 1.3 crores. I cannot state offhand what will be the Tamil population in the Travancore-Cochin State.

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**SRI E. L. RAGHAVA MUDALIAR :** In view of the fact that the Hon. Chief Minister is going to have a talk with the Prime Minister of India in Bangalore in a day or two, will the Hon. the Leader of the House be pleased to give us an opportunity to express our views about the formation of Dakshina Pradesh before he meets the Prime Minister?

**THE HON. SRI C. SUBRAMANIAM :** From the Paper reports, it will be seen that the Chief Minister is going there to be present at the opening function of the ECAFE conference. Incidentally, since he is meeting the Prime Minister, something might happen. As the Chief Minister is going there for attending the opening function of the ECAFE Conference, the question referred to by the hon. Member does not arise now.

**SRI A. RATNAM :** நான்கு தினங்களுக்கு முன்பு தமிழ் நாட்டிலே எல்லா கட்சியரும் சேர்ந்து தக்ஷணப் பிரதேசம் வேண்டாம் என்று தீர்மானித்திருப்பது கனம் அமைச்சர் அவர்களுக்குத் தெரியுமா? தமிழ் மக்களின் தீர்மானத்தைப் பிரதிபலித்துப் போராட கனம் அமைச்சர் அவர்கள் முன்வருவாரா?

**THE HON. SRI C. SUBRAMANIAM :** அந்தப் பிரச்சனை இப்பொழுது எழவில்லை. தக்ஷணப் பிரதேசம் இப்பொழுது யோஜனையில் இருக்கிறது. அது எந்த விதத்தில் உருவாக்கப்பட்டபோகிறது, எப்படி உருவாக்கப்பட்ட போகிறது என்று தீர்மானம் ஏற்பட்ட பிறகு, இந்த சபையிலே அதைப்பற்றி கட்டாயம் விவாதம் நடக்கும். அப்பொழுது கனம் அங்கத்தினர்களுக்கும் அதைப்பற்றி அபிப்பிராயம் தெரிவிக்க சந்தர்ப்பம் இருக்கும்.

**SRI Y. MANJAYA SHETTY :** Sir, this House as well as the Government of Madras have strongly recommended the inclusion of that portion of Kasargode taluk lying to the north of Chandragiri river in the Karnataka State. Still, the Central Government seem to have negatived this recommendation. May I request the Government to take up this matter again to the Central Government and request them to respect the opinion of this House as well as the opinion of the Madras Government?

**THE HON. SRI C. SUBRAMANIAM :** Our views have already been placed before the Central Government. I am sure that, when this matter comes up before the Parliament for final decision, all these aspects will be taken into consideration.

**SRI V. R. NAGARAJAN :** In view of the great muddle that is now prevailing in this State and in other States of India regarding the reorganization of States, may I request this Government to recommend strongly to the Central Government to put into cold storage the implementation of the entire proposals of the States Reorganization Commission except the formation of Tamil State alone by integrating all the Tamil-speaking areas wherever the Tamil population forms a 70 per cent majority taking taluk as a unit so that the aspirations of the people of Tamilnad may be satisfied?

9-20  
a.m.



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**SRI V. R. KRISHNA AYYAR :** On a point of explanation, Sir, may I know whether the hon. Member would locate precisely where the muddle is?

**THE HON. SRI C. SUBRAMANIAM :** Perhaps it is inconvenient for the hon. Member if he locates the muddle. But, apart from that, this suggestion also has been made to the Central Government not only by the hon. Member here but other distinguished persons also and I am sure the Central Government in making decisions and also the Parliament in making decisions will keep this point in view.

**SRI K. KUNHI MOHAMED SHAFEE :** The Hon. Minister was saying that the Government have not received any communication about the organization of larger States. May I know who has made the suggestion of organizing larger States and which is now under consideration of this Government?

**THE HON. SRI C. SUBRAMANIAM :** There has been an opinion in certain quarters prevalent from the very beginning that the States should be reorganized so that there may be larger units. So, that matter has been in the picture for a very long time and not only for the present. In this matter hon. Members are aware that a lead has been given by Bengal and Bihar. That is how the matter has come up for consideration.

**SRI A. GOVINDASWAMY NAYAGAR :** மொழிவழி மாநிலங்கள் பிறக்கின்றபோது தமிழ் பேசும் பகுதியை தமிழகம் என்று பெயரிட்டு அழைக்கவேண்டுமென்று இந்தத் தரப்பிலிருந்தும், சர்க்கார் தரப்பிலிருந்தும் பல அங்கத்தினர்கள் பேசியிருக்கிறார்கள். அதைக் குறித்து நமது அரசாங்கம் மத்திய அரசாங்கத்திற்கு என்ன யோசனை சொல்லியிருக்கிறது என்று அறிய விரும்புகிறேன்.

**THE HON. SRI C. SUBRAMANIAM :** இது குழந்தை பிறப்பதற்கு முன்னால் பெயர் வைப்பதைப்போலிருக்கிறது. இப்பொழுது நாடு பிரிக்கப்பட்ட பிற்பாடு அதற்கு என்ன பெயர் வைத்துக்கொள்ளலாம் என்பதைப்பற்றி யோசித்துக்கொள்ளலாம்.

**SRI S. C. VIRUPAKSHIAH :** With respect to the proposal for the formation of Dakshina Pradesh Press Reports say that not only the Chief Minister but also the Hon. Minister for Finance will be at Bangalore for consultation. May I know the correctness of this report?

**THE HON. SRI C. SUBRAMANIAM :** My going to Bangalore is correct. But, whether I will be consulted or not I do not know.

**SRI K. VINAYAKAM :** In view of the seriousness of this problem and in view of the agitation that has been carried on in this State over this report, will the Chair be pleased to allot one separate day for discussion or failing which at least be pleased to allow an half hour debate so that the Government may know of the view of the entire House? In a matter like the formation of the Southern State and whether we want it or not, the Government

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must know the views of the Members of the House. May I know whether the Hon. Minister is aware of the fact that all political parties in Tamilnad, their leaders and the rank and file—everybody included—have categorically stated against the formation of this Southern State? Will the Government take these views into account and express them categorically before the Prime Minister of India?

THE HON. SRI C. SUBRAMANIAM : I do not know whether I or even the Chief Minister will get an opportunity to express our views before the Prime Minister. Whether this topic will come up for consideration at all, I do not know. So, the question does not arise. But I may assure as persons responsible to this legislature that we will keep in mind the various points of view expressed with regard to this question.

SRI T. SHANMUGAM : சில நாட்களுக்கு முன்பாக நமது விவசாய மந்திரி கனம் பக்தவத்சலம் அவர்கள் பீரமேடு, தேவிசுளம் விஷயமாக சில கருத்துக்களைக் கூறியிருக்கிறார். அதாவது நேரு சொல்லிவிட்டார், ஆகையால் பீரமேடு, தேவிசுளத்தை நாம் விட்டுவிடவேண்டியதுதான் என்று அவர் சொல்லியிருப்பது சர்க்காருடைய கருத்தா? அல்லது அவருடைய சொந்த அபிப்பிராயமா?

THE HON. SRI C. SUBRAMANIAM : இந்த விஷயத்தில் கடைசியாக முடிவு செய்பவர்கள் மத்திய அரசாங்கம். நம்முடைய உரிமையை நாம் வற்புறுத்தலாம். இருந்தாலும் இரு தரப்பிலும் உரிமை கொண்டாடும்போது மத்தியஸ்தர்கள் சொல்லுகின்ற தீர்ப்பை ஜனநாயக முறைப்படி இரு தரப்பாரும் ஏற்றுக்கொள்ளத்தான் வேண்டுமென்ற சர்க்கார் கொள்கைப்படி தான் அவர் அபிப்பிராயத்தை வெளியிட்டார்.

SRI P. K. GOPALAKRISHNAN : In view of the fact that this House had generally welcomed the S.R.C. Report during the discussion on it, will the Government make representations to the Central Government that there shall be no going back on the implementation of the S.R.C. proposals and only leave room for making adjustment of boundaries by a Boundary Commission?

THE HON. SRI C. SUBRAMANIAM : When we considered the S.R.C. Report the question of the formation of larger States was not before this House at all. After all we may learn by experience and we may change our opinion also. When we want to change our opinion certainly this Assembly will be given an opportunity to express its opinion with regard to that.

### *Industrial disputes*

\* 3079 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Agriculture be pleased to state why the Government have not implemented the award of the Labour Appellate Tribunal given on 3rd December 1953 at Madras directing the managements of Raja Rajeswari Weaving Mills, Azhikode, Dhanalakshmi Weaving Works, Kakkat, and Sree Ranganatha Weaving Mills, Achoor Post, Munderi in Chirakkal taluk, Malabar, to reinstate twelve retrenched workers in their factories with back wages?



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**THE HON. SRI M. BHAKTAVATSALAM :** In the case of Dhanalakshmi Weaving Works, Kakkat, the two workers reported for duty on 21st December 1955 and absented themselves from work thereafter. In the case of Raja Rajeswari Weaving Mills, Azhikode, the two workers did not report for duty on or before 22nd December 1953, and therefore there was no contravention of the order of the Labour Appellate Tribunal. In the case of Ranganatha Weaving Mills, Achoor, five workers did not want reinstatement and three workers who were re-employed by the management in September 1954 left the factory in November 1954.

Compensation payable to the two workers in Dhanalakshmi Weaving Works and seven workers in Ranganatha Weaving Works have been settled by the Labour Officer. The other workers have not come forward to claim compensation.

**SRI K. P. GOPALAN :** May I know whether the management of the Raja Rajeswari Weaving Mills have implemented the Award of the Labour Appellate Tribunal, whether they have taken back the two workers and have given also compensation to them?

**THE HON. SRI M. BHAKTAVATSALAM :** The Labour Officer has asked the Union to advise the workers of the Rajeswari Mills to put in their claims for compensation for the period of employment prior to the award of the Labour Appellate Tribunal less the amounts earned during that period. On putting their claims, further action will be taken.

**SRI K. P. GOPALAN :** When a management opposes or fails to implement the provisions of an award, there is provision in the Industrial Disputes Act—Section 29—to take action against that management. When the highest Tribunal gives a verdict and if that verdict is not respected by the management, why not the Government take action under the provisions of the Industrial Disputes Act against the erring management? If this is not done, managements will never respect the existing laws. I wish to know why the Government have not taken action so far against the management?

**THE HON. SRI M. BHAKTAVATSALAM :** Government do not fail to take action against any management whenever they see that an award is not implemented. But in this case the Government do not see that there is any non-implementation of the award.

\* 3080 Q.—**SRI K. P. GOPALAN :** Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have received any representation recently from the President, Cotton Mill Workers' Union, Thiruvanoor, Kallai, Malabar, to refer the dispute between the workers and the management of the above mills regarding the bonus for 1952-53 for arbitration; and

(b) if so, the action taken thereon?

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THE HON. SRI M. BHAKTAVATSALAM : (a) Yes, Sir.

(b) The Government declined to refer the dispute for adjudication as the company incurred loss in 1952 and as there was no surplus available in 1953 for distribution as bonus.

SRI K. P. GOPALAN : Before a dispute is referred for adjudication, it is sent to the Labour Officer and then the matter is sent to Government for deciding whether it should be referred for adjudication or not. This process takes a lot of time. So, why not the Government make it a policy to refer all disputes raised by labour unions for adjudication? Will the Government consider this question sympathetically and refer all industrial disputes for adjudication?

THE HON. SRI M. BHAKTAVATSALAM : While the Government are sympathetic in this matter, the Government do not agree with the view that all industrial disputes should invariably be referred for adjudication. The Government have a discretion in the matter and they have to exercise that discretion before they decide on referring a dispute for adjudication.

\* 3081 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Agriculture be pleased to state— 9-30  
a.m.

(a) whether the Government have received a memorandum, dated 4th February 1955, from the Secretary, Malabar Plantation Group of Malabar Trade Union Congress, regarding the dispute between the plantation owners and workers in Malabar on the question of bonus for the year 1954; and

(b) if so, the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (a) Yes, Sir.

(b) The Assistant Commissioner of Labour conducted conciliation proceedings in the matter on 5th August 1955 and 5th December 1955. The parties have come to an agreement on the issue of bonus for the year 1954 for the workers and the staff in the plantation estates of this State.

\* 3082 Q.—SRI C. KANDASAMY (on behalf of Sri N. K. Palanisamy) : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether there was an agreement between the management of the Kadri Mills, Coimbatore, and the workers on 27th August 1954 that third shift workers of the mills would be made permanent;

(b) if so, whether it is a fact that the agreement was violated on 7th March 1955 by the management; and

(c) if so, why?

THE HON. SRI M. BHAKTAVATSALAM : (a) Yes, Sir.

(b) & (c) The management have implemented the agreement substantially by making 70 workers permanent; but they have violated the latter part of clause 2 of the agreement, in so far as they



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had failed to report to the Labour Officer the names of workers whose work was unsatisfactory, with a view to test them after a month.

\* 3083 Q.—SRI P. K. GOPALAKRISHNAN : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have received any representation, dated 27th July 1955, from the Cochin Commercial Employees' Association on labour dispute between staff and management of Messrs. Harrisons and Crossfield, Limited, Cochin-1; and

(b) if so, the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM : (a) Yes, Sir.

(b) The Labour Officer, Kozhikode, conducted conciliation in the matter and submitted his final report to Government on 26th September 1955. The Government have examined the conciliation report of the Labour Officer and have referred for adjudication the demand relating to fixation of age of retirement of persons employed in Messrs. Harrisons and Crossfield, Limited, Fort Cochin.

\* 3084 Q.—SRI S. C. C. ANTHONY PILLAI : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that there is an industrial dispute between Messrs. East Asiatic Company, Limited, and Messrs. William Jacks, Limited, Madras, and their clerical staff in regard to their wage scales and dearness allowance?

(b) if so, the scales of wages and dearness allowance that were in existence when the conciliation proceedings began; and

(c) whether this dispute has been referred to the Industrial Tribunal for adjudication and if so, when?

THE HON. SRI M. BHAKTAVATSALAM : (a) to (c) The answer<sup>a</sup> is placed on the table of the House.

SRI S. C. C. ANTHONY PILLAI : Sir, in view of the fact that the dispute in the East Asiatic Company, Limited, was referred to for adjudication, will the Government reconsider their decision in cases where adjudication has been refused in commercial concerns with regard to wage scales?

THE HON. SRI M. BHAKTAVATSALAM : The hon. Member may bring to the notice of the Government about concerns where he thinks that there is room for reconsideration of the decision of the Government.

MR. SPEAKER : As the Hon. Minister for Public Health is not attending the House to-day, questions Nos. 3085, 3090, 3094 and 3097 will be taken up at the next sitting of the Assembly.

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*Tirumalai-Tirupati Devasthanam Estate in Tiruvallur taluk*

\* 3086 Q.—SRI M. DHARMALINGAM : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the Tirumalai-Tirupati Devasthanam Estate in Tiruvallur taluk, Chingleput district, has been taken over by the Government;

(b) if so, when and on what terms?;

(c) whether the village and last-grade officers previously working there have been absorbed in Government service; and

(d) if so, whether they are treated on a par with the other village and last-grade officers working in the ryotwari villages as regards emoluments, conditions of service, travelling allowance, etc.?

THE HON. SRI M. A. MANICKAVELU : (c) to (d) The answer<sup>a</sup> is placed on the table of the House.

SRI M. DHARMALINGAM : Sir, when the estate was under the control of the Tirumalai-Tirupati Devasthanam, the village officers were able to get emoluments both from the devasthanam at Rs. 11 to Rs. 14 per mensem and from Government at Rs. 14 to Rs. 18 per mensem, but now after the estate has been taken over by the Government, they are given emoluments by the Government only at Rs. 14 to Rs. 18. They are not given the scales of pay that are given to village officers working in the ryotwari villages. They are thereby losing Rs. 11 to Rs. 16 per mensem just because the estate has been taken over by the Government. Will the Government seriously consider this question and see that they are given the scales of pay which they were getting from the devasthanam?

THE HON. SRI M. A. MANICKAVELU : Sir, this was considered seriously and it is proposed that the scales of pay prevailing in the ryotwari villages be given to them from April 1956.

SRI M. DHARMALINGAM : Sir, the Tirumalai-Tirupati Devasthanam Estate was taken over by the Government in the year 1950 and the village officers were not given the emoluments which they were getting from the devasthanam since that year. This has badly affected the life of the village officers and their families. Will the Government, therefore, consider to give effect to this from the date of taking over of these villages by the Government?

THE HON. SRI M. A. MANICKAVELU : I do not know whether the hon. Member wants to give retrospective effect to this. It is with very great difficulty that we are implementing this as Part II Scheme.

SRI M. DHARMALINGAM : Sir, is it not a fact that the Government have ordered to give compensation to such village officers basing upon the revenue collections made? Subsequently



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the Government have ordered to recover the commission from the village officers stating that they will be given the scales of pay from the date of taking over by the Government.

THE HON. SRI M. A. MANICKAVELU : A separate question may be put, Sir.

*Roads between Madras City and Avadi*

\* 3087 Q.—SRI P. JEEVANANDAM : Will the Hon. the Minister for Public Works be pleased to state whether any amount, and if so, how much, was spent by the Government in relaying, repairing or laying out new roads or on any other construction between Madras City and Avadi in connection with the Avadi Session of the All-India National Congress?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : A sum of Rs. 2.01 lakhs was incurred by the Government on road works to meet the needs of heavy traffic expected in and around Avadi.

SRI S. DAIVASIGAMONEY : May I know whether those roads are now being maintained properly?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : Yes, ordinarily these works should have been carried out but we only accelerated them in view of the emergency.

SRI S. C. C. ANTHONY PILLAI : Sir, is the Hon. Minister aware that out of the 500 miles of roads in the City, the Corporation was able to relay only 70 miles because of lack of financial resources? In view of that circumstance, will the Government in future at least be prepared to pay a much larger grant for roads in the main thoroughfares of the City, which are already in use?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : That is a separate question. That has no bearing on the present question.

*Release of political prisoners*

\* 3088 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Finance be pleased to state with reference to the answer given to question No. 801 on 21st February 1955 whether the Government have any proposal under consideration for the release of Sri Arakkal Kunhiraman Nambiar and Sri P. Kunhiraman, convicted political prisoners from the Cannanore Central Jail?

THE HON. SRI C. SUBRAMANIAM : No such proposal is under the consideration of the Government.

SRI K. P. GOPALAN : Sir, this question has come up before this House several times. In view of the fact that those who were convicted along with these prisoners were released already and in

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view of the fact that there is general public opinion in Malabar demanding the release of these people and mass petitions and memoranda were presented to the Hon. the Chief Minister and the Hon. the Finance Minister, will the Government be pleased to consider this question sympathetically and release the political prisoners now undergoing imprisonment in the Cannanore Central Jail?

THE HON. SRI C. SUBRAMANIAM: Sir, the expression "political prisoner" is a misnomer in this case, because these persons were convicted for murder—deliberate murder—and simply because there was a political motive for this murder, it would not make these prisoners "political prisoners" in that sense. Considering the crime and the circumstances under which these acts were committed, I am afraid it may not be possible for the Government to consider the question of their release at present.

SRI K. MADHAVAN NAMBIAR: Sir, will the Government be pleased to inform the number of representations received by the Government from the Members of this House and what was the reply to them?

THE HON. SRI C. SUBRAMANIAM: No doubt, Communist sympathisers have been pressing for the release of these prisoners. There is nothing surprising about it because the prisoners are Communists and therefore simply because there are representations from Communist sympathisers, I do not think the Government should be influenced by such representations, without taking into consideration the propriety of the release of these persons.

SRI V. GOPALA GOUNDER: On a point of information, Sir. Is it permissible to canvass votes within the House when the House is transacting business?

MR. SPEAKER: No, it is not in order.

SRI K. C. GOPALAN UNNI: Sir, in view of the proposed separation of Malabar from the Madras State, will the Government see that prisoners are released so that goodwill may prevail between the Government and the people?

THE HON. SRI C. SUBRAMANIAM: I am sure the hon. Member is hoping that there would be a Communist Government in Kerala State. Then I suppose they may consider the question.

SRI C. H. KANARAN: The offences for which the persons were convicted were committed before August 1947. Persons convicted for similar offences were released by the Congress Government on the eve of the attainment of freedom. May I know why the prisoners in this case also had not been released?

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a.m.

THE HON. SRI C. SUBRAMANIAM: Releases had not been made as a general policy. Each case was examined on its merits



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and a decision taken. We examined this case also, but thought that it would not be advisable to release the prisoners considering the nature of their crime.

**SRI T. C. NARAYANAN NAMBIAR :** From the answer given I infer that the Hon. Minister had not considered the case recently. The names of offenders implied in the answer are Sri Arakkal Kunhiraman Nambiar and Sri P. Kunhiraman. I would like to inform the Minister that Sri P. Kunhiraman was convicted not for committing a murder and that he had already been released. The actual prisoners in question are Sri Arakkal Kunhiraman Nambiar and Sri A. Krishnan. Therefore I hope the Hon. Minister will consider the Memorandum submitted by the M.L.A. representing the locality and the people of the area without any prejudice and take a decision on the merits of the case?

**THE HON. SRI C. SUBRAMANIAM :** As far as Arakkal Kunhiraman Nambiar is concerned, he has been convicted for murder. The other prisoner has been convicted for dacoity. As regards the release of the prisoner, the case of not only political prisoners but all prisoners is reviewed periodically. So I am sure the case of this prisoner also will be reviewed periodically and his release ordered when the time is ripe.

### *Pottery industry*

\* 3089 Q.—**SRI M. NARAYANAN NAMBIAR :** Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have any scheme for the development of the pottery industry in the State; and

(b) if so, whether a copy of the same will be placed on the table of the House?

**THE HON. SRI M. BHAKTAVATSALAM :** (a) Yes, Sir.

(b) A list<sup>a</sup> of schemes sanctioned for the development of pottery in this State is placed on the table of the House.

**SRI M. NARAYANAN NAMBIAR :** May I know when the training centre at Alankar will be started and whether any stipend will be given to the trainees?

**THE HON. SRI M. BHAKTAVATSALAM :** In this centre four artisans will be trained for a period of one year in improved methods of making earthenware. The total cost of the scheme is Rs. 3,000 non-recurring and Rs. 6,400 recurring. We are getting a grant from the Government of India.

**SRI M. NARAYANAN NAMBIAR :** May I know when the centre will be started and whether the Government will consider the desirability of providing a common kiln for such centres in South Kanara wherever there is need for it?

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THE HON. SRI M. BHAKTAVATSALAM : The Government will examine that suggestion. The centre will be started presently.

SRI P. KUNHIRAMA KIDAV : May I know whether the Government get any grant from the Central Government for development of pottery in this State and, if so, what the amount is?

THE HON. SRI M. BHAKTAVATSALAM : I have already said that the Government of India are giving us a grant. It will be on the basis of 75 per cent of the non-recurring and 50 per cent of the recurring expenditure.

SRI B. K. NALLASWAMI : May I know whether the Government have received a copy of the resolutions passed at the Provincial Potters' Conference held at Tiruppur and, if so, whether they have considered the recommendations of the conference regarding the improvement of pottery industry?

THE HON. SRI M. BHAKTAVATSALAM : I would like to have notice. But I may say under the Second Five-Year Plan, we have got a proposal to start a number of training-cum-service centres for pottery in the various districts of this State.

(Starred question No. 3090—Postponed.)

*Malabar Tenancy Act*

\* 3091 Q.—SRI V. R. KRISHNA AYYAR : Will the Hon. the Minister for Revenue be pleased to state—

(a) the number of applications for the lease of waste lands that have been received by the Tahsildars in the Malabar district under section 52 of the Malabar Tenancy Act since 1st January 1954; and

(b) the number of applications sanctioned?

THE HON. SRI M. A. MANICKAVELU : (a) & (b) A statement<sup>a</sup> is placed on the table of the House.

SRI T. C. NARAYANAN NAMBIAR : In the paper placed on the table, against Wynaad taluk, it is stated that in six cases, notice to landholders under section 52 (1) of the Act has been issued and expiry of notice time is awaited for taking further action. Since the notice time has already expired by this time, may I know whether any action has been taken after the expiry?

THE HON. SRI M. A. MANICKAVELU : I want notice to answer this question.

<sup>a</sup> Printed as Appendix IV on pages 345-346 infra.



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SRI V. R. KRISHNA AYYAR : In the paper placed on the table, against the number of applications for the lease of waste lands various figures are given. But against the number of applications sanctioned there is a discreditable nil. May I know whether the Government will improve their record by inserting some low figures at least in the near future?

THE HON. SRI M. A. MANICKAVELU : It is not discreditable; on the other hand it is creditable. Certain cases were amicably settled and the hon. Member has failed to notice that.

*Recruitment of Malayalees for public services*

\* 3092 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Finance be pleased to state whether it is a fact that the Government have given instructions to the Madras Public Service Commission not to recruit Malayalee candidates for public services in view of the impending reorganization of the States?

THE HON. SRI C. SUBRAMANIAM : The answer is in the negative. I wish to add that I have seen certain press reports alleging that the head of a department has issued instructions to see that Malayalee teachers are removed from service. There is absolutely no basis for that report. I am sorry that false reports are being circulated by responsible members and responsible papers also.

SRI T. C. NARAYANAN NAMBIAR : Sir, I wish to offer a personal explanation. I submitted a memorandum to the Hon. Finance Minister on the basis of a Press report that a circular has been issued by the Director of Public Instruction, Madras, to the managers of private schools in Madras City to the effect that notice of dispensing with their services should be served on Malayalee teachers in view of the impending formation of the Kerala State. I have only drawn the attention of the Finance Minister to that circular and in doing so I think I have done my duty by the Government as well as by the public.

THE HON. SRI C. SUBRAMANIAM : There is no such circular. It exists merely in the imagination of the paper 'Desabhimani' which is the organ of the Communist party. I am sorry that a report which will create bitterness between the Malayalees and Tamilians should have been circulated.

SRI S. PANCHAKSHARAM : May I know whether the Government are vested with power under any provision of law to issue such a direction to a body which is a creation of the Constitution?

THE HON. SRI C. SUBRAMANIAM : I think the presumption of the hon. Member is correct. We cannot discriminate against persons on the basis of language.

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*Inspection report on Attapady Valley*

\* 3093 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether any report was received by the Government from the Revenue Divisional Officer, Malappuram, after his visit to Attapady in February 1955;

(b) the main recommendations in the report; and

(c) the action taken thereon?

THE HON. SRI M. BHAKTAVATSALAM: (a) The Assistant Collector, Malappuram, submitted a report of inspection of the Attapady Valley to the Collector of Malabar. The Government have obtained a copy of it.

(b) The report contains proposals for the general development of the Attapady Valley.

(c) Proposals for the development of the Attapady Valley are already under consideration of the Government in consultation with the Board of Revenue. These proposals include the recommendations of the Assistant Collector. As a preliminary step, the Government have already sanctioned the requisite staff for carrying out the survey of this area and for studying the conditions of the people.

(Starred question No. 3094—Postponed.)

*Kisan troubles in Kulittalai taluk*

\* 3095 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the Government have received telegrams from the Secretary of the Landowners' Association, Lalapet, Kulittalai taluk, Tiruchirappalli district, on 16th or 17th July 1955, complaining that the Collector of Tiruchirappalli was inciting the kisans to trespass into private lands and cultivate them unauthorizedly;

(b) whether it is a fact that the Collector assured all possible help and police protection to the said trespassers;

(c) whether the Government have made any enquiry into the matter and, if so, the result thereof;

(d) whether the Government have issued any directions to the District Collectors to help the kisans at any cost;

(e) if so, whether the Government took any legal advice before doing so; and

(f) whether any suit notice has been received by the Government subsequently from the aggrieved landholders and, if so, the action taken thereon?



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THE HON. SRI M. A. MANICKAVELU : (a) Yes, Sir.

(b) & (c) A writ petition has been filed in the High Court regarding the subject and it is pending. The matter is *sub judice* and no information can therefore be furnished at this stage.

(d) No, Sir.

(e) Does not arise.

(f) The Collector of Tiruchirappalli has received suit notices addressed to him in his capacity as representative of the State of Madras and in his personal capacity. These notices are under examination.

SRI P. RANGASWAMI REDDIAR : I would like to preface my supplementary question by saying that I do not put any question regarding the writ petition or the suit notices received by the Collector in his capacity as the representative of the State. Are the Government in possession of all the decisions given by the Judicial District Magistrate of Tiruchirappalli in kisan disputes, especially the judgment in the Allur kisan trouble in which he has observed that the District Collector has exceeded all his powers in the matter?

THE HON. SRI M. A. MANICKAVELU : I am not aware of it.

9-50 a.m. SRI V. R. KRISHNA AYYAR : May I know, Sir, whether a former Deputy Collector of the area was instigating the landholders to issue suit notices so that the Collector may get into the soup?

THE HON. SRI M. A. MANICKAVELU : Nor am I aware of that.

#### *Border dispute*

\* 3096 Q.—SRI K. VINAYAKAM (on behalf of Sri N. K. Palanisamy) : Will the Hon. the Minister for Finance be pleased to state whether it is a fact that this Government have asked the Central Government during November 1955 to constitute a Boundary Commission to settle the dispute with the Andhra Government in regard to border areas?

THE HON. SRI C. SUBRAMANIAM : Yes, Sir. The Government of India have been addressed on 1st December 1955 for constituting a Boundary Commission immediately to go into the Andhra-Madras border issues.

SRI K. VINAYAKAM : Sir, did the Government of Madras receive any reply from the Central Government that they were prepared to constitute a Boundary Commission or did they give any alternative suggestion to us?

THE HON. SRI C. SUBRAMANIAM : We have not received any official reply from the Government of India. But a suggestion has been made about further talks between the Andhra Government and the Madras Government and that the issue is likely to be settled.

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**SRI V. R. NAGARAJAN :** Sir, will this Government pursue this matter further and ask the Central Government to constitute a Boundary Commission not only for settling the border disputes between Andhra and Madras but also between Madras and Travancore-Cochin?

**THE HON. SRI C. SUBRAMANIAM :** That question does not arise. Final decisions have not been taken on the States Reorganization Committee's recommendations. There was already a question on this subject, and I have answered in full all the points arising out of that question.

**SRI V. R. KRISHNA AYYAR :** Sir, may I know whether the Government consider that these border disputes are getting obsolete in view of the fact that Andhra is being dragged into the hotch-potch Southern State?

**THE HON. SRI C. SUBRAMANIAM :** So far I am not aware of any suggestion of Andhra coming into the Southern State.

**SRI K. VINAYAKAM :** May I request the Hon. Minister to be more clear and plain in his answer? If the Central Government did not send any reply to constitute a Boundary Commission, who then gave the suggestion? Did the suggestion come from the Central Government or did it emanate from the Andhra Government or the Madras Government? Do the Government propose to solve the problem or do they simply want to keep it hanging in the air so as to please the agitators that this problem will be solved? May I suggest to the Government that they have earned a bad reputation by giving away Devicolum and Peermade and half of Shencottah? In spite of the very good achievements made by the Kamaraj Ministry like giving great relief to the cyclone-affected areas, all the fame of the Ministry has been eclipsed by their attitude to these border areas. Will they at least compensate the Madras State by getting areas from the Andhra State for what is going to the Travancore-Cochin State?

**THE HON. SRI C. SUBRAMANIAM :** I know the hon. Member is expressing his wish that the people should turn against the Government. But that is not going to happen. But as the hon. Member said I know that if this problem is solved, some people will be out of political employment. (Laughter.) Apart from that this Government also are very anxious to have this problem settled as early as possible. The only point for consideration is, what is the best method of settling this problem. This question is under the active consideration of the Government.

**SRI V. R. NAGARAJAN :** May I seek specially to impress on this Government that they should forget all big questions in view of the tense situation prevailing in the country but should only take steps to settle the border disputes so that that may be a prelude to the future merger of States?



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THE HON. SRI C. SUBRAMANIAM : It is very easy to make suggestions in these matters. There may be as many suggestions as we can think of, but the question is what is it that is in the best interests of the country. I am sure the leaders will take ultimate decisions which would be in the best interests of the country as a whole.

SRI S. C. C. ANTHONY PILLAI : Sir, the Hon. Minister referred to political employment. May I know from him whether the question of political employment is holding up the consideration of the formation of Dakshina Pradesh? (Laughter.)

THE HON. SRI C. SUBRAMANIAM : The question of political employment or non-employment has not arisen with reference to Dakshina Pradesh. The only question is the Andhra border dispute which has given rise to border commandants. No doubt these commandants will be dethroned as soon as the dispute is solved.

SRI K. VINAYAKAM : Apart from the insinuation made by the Leader of the House, by which I will not be provoked, I want him to be more serious in this matter. While granting that I am convinced of the sincerity of this Government in solving this problem, may I know in all humility what is the *modus operandi* that the Government are going to adopt in this matter, and will they be pleased to set a date—at least indicate a probable date—before which this tangle would be solved and the commandant of this movement would be removed from the political employment which he is now having?

THE HON. SRI C. SUBRAMANIAM : I am glad the hon. Member will not get provoked, and I am also glad he has learnt by experience. (Laughter.) As far as this question is concerned, I have already answered that it all depends upon the position in regard to the various other areas also. As soon as final decisions are taken, I am sure this question also will be solved very easily. I may assure the hon. Member that before the final reorganization of the States takes place and before the general elections take place, this area will be available as a constituency.

(Starred question No. 3097—Postponed.)

*Construction of a sea wall in Tellicherry*

\* 3098 Q.—SRI V. R. KRISHNA AYYAR : Will the Hon. the Minister for Public Works be pleased to state whether the Government have any proposal to construct a sea wall in front of the Civil Court buildings, Tellicherry?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : Yes.

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SRI V. R. KRISHNA AYYAR : May I know whether the proposal that the Government now affirm is to be implemented in the Third or Fourth or Fifth Five-Year Plan or straightaway now?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : The hon. Member need not be so very pessimistic.

*Eviction of Harijans from slums*

\* 3099 Q.—SRI S. DAIVASIGAMONEY (on behalf of Sri A. Ratnam) : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state the number of cases pending in the courts of Madras City to evict Harijans from the slums owned by private parties up to 31st December 1953?

THE HON. SRI B. PARAMESWARAN : Five cases were pending on 31st December 1953.

SRI A. M. RATHNASWAMY : Sir, may I know the number of private slums which are owned by various parties in Madras City and also whether the Government contemplate taking any action against these private owners in view of the fact that the conditions of these slums are pretty bad? Do the Government have any proposal to ask these private owners either to surrender these lands to the occupants of the slums or to the City Improvement Trust?

THE HON. SRI B. PARAMESWARAN : Out of the five cases, four cases have been settled in favour of Harijans. One case is still pending in the High Court. The Government are already examining the suggestion of the hon. Member.

SRI V. R. NAGARAJAN : In this connexion, may, I bring it to the notice of the Government that the Director of Harijan Welfare is handicapped for want of funds even for complying with fifty per cent of the applications received in the current year, and that he requires an additional grant of Rs. 5 lakhs to comply with the target of meeting fifty per cent of the applications? Will the Government go to his help at this juncture?

THE HON. SRI B. PARAMESWARAN : I am afraid I cannot answer the question because it has nothing to do with the main question. But I may assure the hon. Member that whatever funds are available and are necessary for the purpose of meeting the demands of the Director of Harijan Welfare are being provided for.

SRI P. SELVARAJ : May I know whether the Backward Classes Commission have furnished a fresh list of communities?

THE HON. SRI B. PARAMESWARAN : The hon. Member will please put a separate question. This supplementary does not arise out of the main question.



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*Fee concessions to Backward Class students*

\* 3100 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Heads of Educational institutions were recently instructed about a change in the procedure to be adopted with regard to the grant of half-fee concessions to the Backward Community students; and

(b) if so, the change in the procedure?

THE HON. SRI C. SUBRAMANIAM: (a) There has been no change in the procedure adopted in the matter of granting educational concessions to pupils of Backward Community. The procedure laid down in Rule 92, Madras Educational Rules, stands unaltered.

(b) Does not arise.

*Reading room for the Harijans of Doddappanayakkanoor*

10 a.m. \* 3101 Q.—SRI A. IYANAR: Will the Hon. the Minister for Revenue be pleased to state—

(a) whether any representation has been received by the Government from the Harijans of Doddappanayakkanoor, Tirumangalam taluk, Madurai district, regarding the assignment of the poramboke land near the cheri for constructing a reading room; and

(b) if so, the action taken on it?

THE HON. SRI M. A. MANICKAVELU: (a) No, Sir.

(b) Does not arise.

*Hostel for Harijans in Palayamkottai*

\* 3102 Q.—SRI R. S. ARUMUGAM: Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether there is any proposal to open a Government hostel for Harijan boys at Palayamkottai, Tirunelveli taluk;

(b) how long the proposal has been pending with the Government; and

(c) whether any representation has been received from the M.L.As. of Tirunelveli district regarding the same?

THE HON. SRI B. PARAMESWARAN: (a) Yes, Sir.

(b) Since January 1955.

(c) No, Sir.

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*Prayers by students in Basic Training Schools*

\* 3103 Q.—SRI K. KUNHI MOHAMED SHAFEE: Will the Hon. the Minister for Finance be pleased to state—

(a) whether any instruction has been issued to the Headmasters of the Basic Training Schools in the State, particularly in the Malabar district, for introducing any prayers to be recited by the students in the mornings and evenings; and

(b) if so, whether the Government will be pleased to place a copy of such prayer or prayers on the table of the House?

THE HON. SRI C. SUBRAMANIAM: (a) No departmental instructions have been issued to the heads of Basic Training Schools in regard to the conduct of any particular prayer or prayers by the students. Under the scheme and syllabus for Basic Training Schools, however, 15 minutes are set apart both in the evening and morning for devotional duty. In almost all the basic training schools common prayers which are non-communal in character and which differ from school to school are recited at a common devotional assembly both in the mornings and in the evenings, the selections being made by the schools themselves.

(b) Does not arise in view of answer to (a).

SRI S. RAMALINGAM: கடவுள் நம்பிக்கையில்லாத உபாத்தியாயர்களும் தேர்ந்தெடுக்கப்படுவதால், அவர்களும் அந்தப் பிரார்த்தனை செய்யவேண்டுமென்ற நிர்ப்பந்தம் ஏதாவது இருக்கிறதா?

THE HON. SRI C. SUBRAMANIAM: அப்படி நிர்ப்பந்தம் ஒன்றும் கிடையாது. ஆனால் இதுவரையிலும் ஒருவரும் கூட்டத்தில் கலந்துக்கொள்ள முடியாது என்று சொல்லவில்லை.

SRI V. R. KRISHNA AYYAR: May I request that a part of this prayer may be kept for invocation to 'Bharatha Bhagya Vidhatha'?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir. 'Vande Matharam' is one of the songs selected for being sung during prayer in many of the schools.

SRI V. R. KRISHNA AYYAR: May I point out to the Hon. Minister that 'Vande Matharam' is not the one that I refer to?

THE HON. SRI C. SUBRAMANIAM: The hon. Member is perhaps referring to 'Jana Gana Mana'. Yes, the national anthem is also sung at the end.

SRI V. BALAKRISHNAN: While all these prayer songs are invariably Hindu in character, are such prayers in order in functions arranged by a secular Government?

THE HON. SRI C. SUBRAMANIAM: These do not belong to particular religious denominations. These are common prayers applicable to all communities and religions.



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**SRI S. RAMALINGAM :** பிராத்தனைக் கூடங்களில் கடவுள் வணக்கம் செய்யும்போதும், தேசிய கீதம் பாடும்போதும் ஒவ்வொரு கூட்டத்திலும் எப்படிப் பாடுவது என்று சரியாக பள்ளிக்கூடங்களில் சொல்லிக்கொடுப்பதில்லை. வெவ்வேறு விதமாக கற்பிக்கப்படுகிறது ஆதலால் அதற்காக இந்த உபரத்தியாயர்களுக்கு பிரத்தியேகமான பயிற்சி அளிக்க முன் வருவார்களா ?

**THE HON. SRI C. SUBRAMANIAM :** தேசம், சமுதாயம், கடவுள் ஒன்று, என்ற முறையில்தான் அப்பிரார்த்தனை அமைக்கப் பட்டிருக்கிறது.

**SRI T. C. NARAYANAN NAMBIAR :** Have the Government received any complaint from some of the parents of pupils who are studying in basic schools in Malabar that in some schools, the song, 'Raghupathi Raghava Raja Ram' which has got a Hindu bias, is being sung? If so, may I know whether the Government have enquired into such complaints?

**THE HON. SRI C. SUBRAMANIAM :** It also says, 'Iswara Alla Therae Nam. So I do not think anybody can object to it simply because Raghupathi Raghava Raja Ram is also there.

**SRI V. R. KRISHNA AYYAR :** Have the Government received any information about a particular school where the headmaster declined to have the national anthem sung? There was a leading article in a leading newspaper in Malabar about that.

**THE HON. SRI C. SUBRAMANIAM :** I do not know to what the hon. Member is exactly referring. If the matter is brought to my notice, I shall certainly look into it.

**MR. SPEAKER :** With the leave of the House, the question time will be extended by ten more minutes.

### *Construction of Bridges*

\* 3104 Q.—**SRI P. G. MANICKAM :** Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the proposal to construct a bridge across the stream on the Perundalaiyur-Andipalayam road (Gobichettipalayam taluk) out of the sum of Rs. 27,000 sanctioned by the Coimbatore District Board in 1952, has been dropped; and

(b) if so, the reasons therefor?

**THE HON. SRI M. BHAKTAVATSALAM :** (a) & (b) There was no proposal to construct a bridge across the stream known as Vannanmadai on the Perundalaiyur-Andipalayam road in Gobichettipalayam taluk out of the sum of Rs. 23,750 sanctioned under the Post-war Road Development Scheme. The question of constructing a bridge over the stream has been taken up under the Community Project Scheme.

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\* 3105 Q.—SRI K. C. GOPALAN UNNI : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government received any representation from the public through the Chief Minister on 23rd April 1955 regarding the construction of the Karimpuzha Bridge on the Tottenham road in Walluvanad taluk, Malabar; and

(b) if so, the action taken thereon?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI : (a) Presumably the Member refers to a memorandum, dated 23rd April 1955, presented by him to the Chief Minister.

(b) The bridge work is being considered for inclusion in the Second Five-Year Plan.

\* 3106 Q.—SRI N. RAMAKRISHNAN : Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) whether the Government have any proposal to put up wooden foot-bridges across the Buckingham Canal at convenient and necessary places for the purpose of having access to the isolated villages in the coastal strip between the sea and the canal in the Chingleput district; and

(b) if so, how many foot bridges do they propose to put up?

THE HON. SRI B. PARAMESWARAN : (a) & (b) The Government have sanctioned recently the construction of an overbridge at mile 53/7 of Buckingham Canal in the place of the existing ballacut to enable the Harijans of Seekinankuppam Cheri, Madurantakam taluk, Chingleput district, to cross the canal to get drinking water from the sea-shore spring situated on the other side of the canal.

\* 3107 Q.—SRI C. KUNHIRAMA KURUP : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Chief Minister has received any memorandum from the Praja Socialist Party, Quilandy, Malabar, asking for the construction of a bridge at Kanayagode, Quilandy firka, Malabar, during his Malabar tour; and

(b) if so, what steps the Government propose to take in the matter?

THE HON. SRI S. S. RAMASAMI PADAYACHI : (a) Yes, Sir.

(b) The question of including the work in the Second Five-Year Plan is being considered.

SRI V. R. KRISHNA AYYAR : Sir, various suggestions for inclusion of many schemes in the Second Five-Year Plan have been dealt with, they have also been repeatedly discussed on the floor of the House and the Madras Government have also been saying that they have formulated the schemes to be included in the Second Five-Year Plan. Still, the Hon. Minister for Local Administration



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is now saying that the question of including the work is 'being considered'. Will the Hon. Minister make up his mind at least now and say that so far as the Second Five-Year Plan is concerned, this work will be included in it?

THE HON. SRI S. S. RAMASAMI PADAYACHI: Yes, Sir, in view of the importance of the matter, we are reconsidering this matter.

*Tamilnad Christian Association Conference*

\* 3108 Q.—SRI S. R. ARUMUGAM: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government received the resolution passed by the Second Conference of the Tamilnad Christian Association held at Tindivanam on 17th December 1954 regarding—

(i) the removal of the distinction between Hindu Harijans and Christians of Harijan origin in matters concerning educational concessions and appointments; and

(ii) the extension of the special privileges and the preference for ten more years from the date of expiry of the tenth year specified in the Constitution; and

(b) if so, the action taken thereon?

THE HON. SRI C. SUBRAMANIAM: (a) No, Sir.

(b) Does not arise.

*Engineering degree of Sri Venkateswara University*

\* 3109 Q.—SRI K. VINAYAKAM: Will the Hon. the Minister for Public Works be pleased to state whether the Engineering degree of Sri Venkateswara University is held on a par with the degree of the Madras University?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI: No, Sir. The University has not raised the question for the consideration of this Government so far.

SRI K. VINAYAKAM: Is the Hon. Minister aware of the fact that students belonging to Madras State are now studying in the Andhra State and they will be conferred the Venkateswara University Degree of Engineering soon after they pass out from their institutions next year? These students being residents of the Madras State will naturally seek employment in this State. So, will the Government treat the Degree of Venkateswara University on a par with the Degree of the Madras University for purposes of employment, especially as the Examination in the former University is being conducted by the Professors of the Madras University?

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**THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :** This question is not engaging the attention of the Government just at present. When the question comes up before us, it will be examined and a decision will be taken. I may add that the authorities of the other University have not approached this Government so far.

**SRI V. BALAKRISHNAN :** Did not the Minister for Education, when he visited Kurnool, give an assurance that he would do his best to get the Madras University Degree for those students? Is it not a definite assurance given to them on behalf of this Government and has this assurance been implemented?

**THE HON. SRI C. SUBRAMANIAM :** Sir, this matter has been fully considered. The matter was referred to the Madras University. The University made a suggestion that instead of conferring another Degree, a Certificate of the Madras University could be given stating that the students had undertaken the Madras University course and they have passed the examination also conducted by the Madras University. This suggestion was forwarded to Anantapur for the opinion of the students there. But, they seem to prefer the Degree. So, the matter has been referred again to the Madras University for its consideration. We are awaiting a reply from the Madras University.

*Distribution of sesbania seeds*

\* 3110 Q.—**SRI K. VINAYAKAM :** Will the Hon. the Minister for Agriculture be pleased to state—

(a) the quantity of sesbania seeds procured in Tanjore district during 1954–55 and 1955–56, and the price per bag;

(b) the germination percentage of those seeds;

(c) whether these seeds are compulsorily distributed in the districts other than Tanjore;

(d) whether the cost of the seeds is compulsorily collected from the maistries and fieldmen of the Agricultural Department, where the ryots are not willing to take the seeds; and

(e) whether the ryots have taken to border-planting of sesbania and if so, in what places and in what districts?

**THE HON. SRI M. BHAKTAVATSALAM :** (a) During the financial year 1954–55, the Madras Agricultural Department procured about 4,153 bags of sesbania seeds in Tanjore district. During the current year, about 905 bags were procured in that district up to the end of September 1955. The price paid was Rs. 40 per bag of 160 lb.

(b) The germination percentage varies from 80 to 90 per cent.

(c) No, Sir.

(d) No, Sir.

(e) The practice of line planting of sesbania is prevalent in all the districts of this State.



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**SRI V. K. RAMASWAMY MUDALIAR :** Are the Government aware of the fact that these seeds are not now available even though many of the ryots want them?

**THE HON. SRI M. BHAKTAVATSALAM :** If the ryots want it, there will be no difficulty in supplying the same. But last year, the seeds had to be returned to Tanjore district as the ryots did not take advantage of the same.

10-10  
a.m. **SRI K. VINAYAKAM :** Sir, will the Hon. Minister give any valid reason why there has been a fall in the demand for sesbania seeds in the current year? Is it not a fact that departmental instructions were issued to recover the cost from maistries and later they were reversed?

**THE HON. SRI M. BHAKTAVATSALAM :** No, Sir. The hon. Member is not correct in his presumption. Whenever I give reasons, they are always valid. I do not know what a valid reason should be. But I may tell the hon. Member that I have myself seen in the Tanjore district even yesterday that ryots are taking not only sesbania seeds but also other green manure seeds. That is how the demand for sesbania seeds is not very much.

**SRI S. RAMALINGAM :** கனம் மந்திரி அவர்கள் சொன்ன பதிலில் டிபார்ட்மெண்ட் மேஸ்திரிகள் இந்த விதைகளை கட்டாயமாக விற்கவேண்டுமென்று சொல்லி, விதைகளின் விலையை அவர்களின் சம்பளத்திலிருந்து பிடிக்கவேண்டுமென்று உத்தரவு போடவில்லை என்று சொன்னார்கள். ஆனால் நடைமுறையில் விதைகளை விற்பதுதான் ஆகவேண்டுமென்று சொல்லி டிபார்ட்மெண்ட் மேஸ்திரிகளிடம் விதைகளை கொடுத்துக் கொண்டிருக்கிறார்கள். அவர்கள் விதைகளை விற்கிறார்களோ விற்க வில்லையோ, அவற்றின் விலையை சம்பளத்தில் பிடித்துக்கொள்ளுகிறார்கள். இம்மாதிரி நடைமுறையில் நடந்து கொண்டிருப்பதை கனம் மந்திரி அவர்கள் கவனத்துக்கு நான் ஏற்கனவே கொண்டுவந்திருக்கிறேன் என்று நினைக்கிறேன். ஆகையால் இது விஷயமாக டிபார்ட்மெண்ட் சர்க்குலர் இல்லை என்று சொன்னாலும், நடைமுறையில் இம்மாதிரியான பழக்கத்தைத் தடுப்பதற்கு கனம் மந்திரி அவர்கள் முன்வரவேண்டும்.

**THE HON. SRI M. BHAKTAVATSALAM :** இம்மாதிரி புகார் சர்க்காருக்குக் கிடைத்து, அதைப்பற்றி விசாரித்து இந்தப் புகாருக்கு ஆதாரமில்லை என்று சர்க்காருக்குத் தகவல் கிடைத்திருக்கிறது.

### *Eradication of untouchability*

\* 3111 Q.—**SRI R. S. ARUMUGAM :** Will the Hon. the Minister for Religious Endowments and Transport be pleased to state—

(a) how many Deputy Sevaks and Assistant Sevaks have been selected as propagandists to eradicate untouchability in the State;

(b) how many of them are Harijans; and

(c) what is their scale of pay?

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THE HON. SRI B. PARAMESWARAN : (a) 23 Deputy Sevaks and 23 Assistants.

(b) 8 of the Deputy Sevaks and all the 23 Assistants are Harijans.

(c) The scales of pay of Deputy Sevaks and Assistants are Rs. 45—3—60—2—90 and Rs. 18—1—25 respectively.

*Hindu Code Bill*

\* 3112 Q.—

MR. SPEAKER : The hon. Member Sri N. K. Palanisamy is not in his seat. The question together with the answer will be printed and will form part of the proceedings.

SRI N. K. PALANISAMY : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the State Government offered any opinion on the Hindu Code Bill in 1954 at the request of the Central Government; and

(b) if so, what it was?

THE HON. SRI C. SUBRAMANIAM : The information<sup>a</sup> is laid on the table of the House.

*Central bus stand for Pollachi*

\* 3113 Q.—SRI C. KANDASAMY (on behalf of Sri M. Kalyanasundaram) : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received a resolution passed by the Municipal Council, Pollachi, in 1954 for permission and financial assistance for the construction of a central bus stand for Pollachi;

(b) when the resolution was received by the Government; and

(c) the action taken thereon?

THE HON. SRI S. S. RAMASAMI PADAYACHI : (a) Yes, but the permission of Government sought for was only to utilise a portion of the land, acquired for the purpose of providing an elementary school in Kottur Road, Pollachi town.

(b) The resolution was received by Government at the end of May 1954.

(c) The proposal of the Municipal Council was not approved.



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*Public examination in schools*

\* 3114 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Finance be pleased to state whether there is a proposal under the consideration of Government to hold public examinations in December instead of March as at present?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir. The Government have since decided that the proposal to change the academic year for colleges and schools from 'June to April' to 'January to December' should be dropped in consonance with the unanimous view of all educational bodies in this State.

*Offences under the Prohibition Act*

\* 3115 Q.—SRI S. RAMALINGAM (on behalf of Sri N. K. Palanisamy): Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal to release the prisoners who are undergoing imprisonment for offences under the Prohibition Act; and

(b) if so, why?

THE HON. SRI C. SUBRAMANIAM: (a) & (b) The Inspector-General of Prisons, Madras, has submitted a proposal for the suspension of sentences of all prohibition prisoners who have not been guilty of violent acts against the detective staff on their own bonds for Rs. 50, with an orientation lecture before release by the Superintendents of the Jails and with a direction to be under the supervision of the nearest District Probation Officer. The proposal is under consideration.

*Malnad area*

\* 3116 Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Agriculture be pleased to state the development proposals sanctioned by or under the consideration of the Government for the improvement of the lot of the villagers of Malnad area in Irikkoor and Taliparamba firkas, in regard to—

(1) Communication; (2) Education; (3) Medical Aid; and (4) Agriculture.

THE HON. SRI M. BHAKTAVATSALAM: The following roads have already been formed in the Malnad area in Taliparamba and Irikkoor firkas:—

(1) Road from Sreekandapuram to Kayambayi.

(2) Road from Sreekandapuram to Naduvil.

(3) Road from Kayambayi to Chuzhali.

No special proposals for the improvement of the condition of villages of Malnad area in Irikkoor and Taliparamba firkas are at present under the consideration of the Government. However, the

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Collector of Malabar has proposed certain schemes to the concerned heads of departments for the development of the area. The proposals will be considered by the Government if and when they are received.

*Basic training school in South Kanara with Malayalam as medium*

\* 3117 Q.—SRI M. NARAYANAN NAMBIAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal to establish a basic training school in Kasargode taluk, South Kanara district, with Malayalam as medium of instruction; and

(b) if so, when?

THE HON. SRI C. SUBRAMANIAM: (a) No, Sir.

(b) Does not arise.

SRI V. R. KRISHNA AYYAR: Sir, now that it has been accepted by the States Reorganisation Commission and, I suppose, tacitly accepted by the Central Government that Kasargode has an over-all Malayalee majority, would Government see to it that Malayalees are not driven to Mangalore side for basic training but start schools in Kasargode taluk?

THE HON. SRI C. SUBRAMANIAM: But, Sir, if that proposal goes through, then there will be the Kerala Government to make sufficient provision for those people. Therefore, in view of the impending question and since no final decision has been taken in the matter, the question of the hon. Member does not arise.

MR. SPEAKER: There is a short notice question given by Sri K. C. Gopalan Unni.

\* SHORT NOTICE QUESTION 36.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Agriculture be pleased to state the reasons for closing down the Community Training Centre at Parli, Malabar district?

THE HON. SRI M. BHAKTAVATSALAM: Sir, the Extension Training Centre at Parli which is one of the three Extension Training Centres in this State was started in December 1952, to train Gramasevaks for employment in the Community Development Blocks. The Centre at Parli had to be located in rented buildings, as no Government buildings were available at Parli. There was also no farm facility at Parli for giving effective training to the Gramasevaks in the field of Agriculture. The Deputy Agricultural Extension Commissioner, Government of India, when he visited the Centre at Parli, remarked about the lack of buildings and farm facilities and suggested that the Centre should be shifted to a more suitable place at the earliest opportunity. The Government of India have also been objecting to the continuance of the Centre at Parli in rented buildings. The possibility of shifting the



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Centre to Malampuzha was therefore considered, but it had to be given up, as the P.W.D. buildings there were not available for the purpose. It was therefore decided in June 1955 to shift the Centre at Parli from the district to a more suitable place, namely, to Bhavanisagar in Coimbatore district, where Government buildings and farm facilities are available. But in view of the representation of certain M.L.As. of Malabar district against this move, the centre at Parli was temporarily allowed to continue till the conclusion of the sixth batch of training in December 1955. The question of further continuance of the Centre at Parli was again examined in December last. There were not enough Basic Trained Gramasevaks from Malabar who could be sent for Extension Training at Parli in January 1956. The Basic trainees from Malabar now undergoing training at the Basic Agricultural Training School at Taliparamba will become available for extension training only in July 1956. There was therefore no need to continue the centre at Parli for the present and the Centre was therefore ordered to be closed down from January 1956. Thus, the following considerations weighed with the Government for closing down the Extension Training Centre at Parli in January 1956 :—

- (i) Lack of Government buildings to locate the Centre;
- (ii) Lack of additional facilities for expanding the Centre;
- (iii) Lack of farm facilities to give practical demonstration to trainees;
- (iv) Objections of the Government of India to continue the Centre at Parli in rented buildings, and their suggestion to shift it to a more suitable place;
- (v) Non-availability of Basic trained candidates from Malabar in January 1956.

However, the question of opening an Extension Training Centre in a suitable place in Malabar district, where all facilities will be available, with reference to the trainees that will become available in July 1956, and the requirements of the Second Five-Year Plan are being pursued separately with the Government of India. There are at present 60 Basic trainees undergoing training at the Basic Agricultural School, Taliparamba. It may be possible to open an Extension Training Centre there, if additional buildings are constructed. The possibility of locating an Extension Training Centre, either at Taliparamba or at any other suitable place in Malabar district, will be examined by the Government.

**SRI K. P. GOPALAN :** Sir, are Government aware that there are places like Kozhikode, Tellicherry, Cannanore, where Government can get suitable accommodation for the students? There are also more dwelling houses. May I know whether the Government have made enquiries whether rented buildings will be

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available? If the Hon. Minister is convinced that Government can get rented buildings in other towns in Malabar, will the Government try to retain the Centre at Parli?

**THE HON. SRI M. BHAKTAVATSALAM:** Sir, the main point about this decision is that there are no trainees to be trained in the Parli Centre. Trainees from Malabar will be available in July 1956 and as I have said already, we will consider which would be the best place to start the Centre again.

**SRI K. C. GOPALAN UNNI:** In view of the feelings that have been aroused by the closure of this centre and the unsatisfactory reply given by the Minister, I request the Hon. Speaker to allow a half-hour debate on this issue. 10-20 a.m.

**THE HON. SRI M. BHAKTAVATSALAM:** I am unable to understand, appreciate, or sympathise with, the feelings of people who want the continuance of a centre which had no work. Perhaps the hon. Member has got sympathy with the owner of the building who would be losing rent because of the closure of this centre.

**SRI K. C. GOPALAN UNNI:** The Hon. Minister can insinuate as he likes. But I know the feelings of the people of the area more than he. We feel that the Government have created a situation leading to the closure of this centre. In view of the feelings that have been aroused by the closure, I reiterate my request for allowing a half-hour debate.

**THE HON. SRI M. BHAKTAVATSALAM:** Though it is within the discretion of the Chair to grant or refuse the request, I may submit that I have made a very exhaustive statement explaining the reasons behind the Government's decision and that I will not be able to add anything useful to what I have already said.

**MR. SPEAKER:** In view of the statement made by the Hon. Minister and in view of the fact that to-day we have no time for a half-hour debate, I am unable to concede the request.

### *Madras-Andhra border disputes*

**MR. SPEAKER:** The next question is a short notice question by Sri K. Vinayakam regarding border issues. This has been fully answered in the replies to the large number of supplementary questions on question No. 3096. In view of this fact, does the Member propose to put the question?

**SRI K. VINAYAKAM:** I have only one supplementary question and if that is answered, there will be an end of it. Now that the Madras Government are of opinion that they can solve the border disputes by negotiation or mutual talk with the Andhra Government, will they at least write to the Andhra Government to come to Madras for talks as early as possible? If the matter is left to the Andhra Government, they will take their own time.



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To show their sincerity for solving this problem, will the Madras Government please write immediately inviting the Andhra Government for talks?

**THE HON. SRI C. SUBRAMANIAM :** No proof is necessary to establish our sincerity in this matter, and that question does not arise at all. We have already written to the Central Government that a boundary commission should be appointed. That request has not yet been rejected. The question of writing to the Andhra Government will arise only after final decisions are taken with reference to the various territories which are in dispute like Bellary and Kolar and issues like Visalandhra.

**MR. SPEAKER :** Question time is over.

[*Note.*—An asterisk (\*) at the commencement of a speech indicates revision by the Member.]

### III.—STATEMENT UNDER RULE 40 *RE* THE PREVALENCE OF PADDY CROP DISEASE IN TANJORE DISTRICT.

**MR. SPEAKER :** Under rule 40, Sri P. Venkatesha Sholagar will call the attention of the Minister for Health to a matter of urgent public importance, viz., the attack of a peculiar disease known as 'Kulai Noi' on the paddy crop in the district of Tanjore. The Hon. Minister for Health is not here. Besides, as this is a matter coming within the portfolio of the Hon. Minister for Agriculture, he will make the statement.

10-23  
a.m. \* **SRI P. VENKATESHA SHOLAGAR :** கனம் சபாநாயகர் அவர்களே, இந்த கொக்கி நோயினால் தஞ்சாவூரிலுள்ள சம்பாப் பயிர், தாளடிப் பயிர் முதலியவற்றுக்கு மிகுந்த சேதம் ஏற்பட்டிருக்கிறது. நான் மன்னார்குடி தாலுகா விவசாய ஆபீசுக்குச் சென்று இதைப்பற்றி விசாரித்தேன். நூற்றுக்கணக்கான விவசாயிகள் இம்மாதிரியாக பூச்சியினால் வீணாகப் போய்விட்ட கதிர்களைக்கொண்டுவந்தும் காட்டினார்கள். அந்தப் பூச்சிகளிடமிருந்து பயிர்களைக் காப்பது செய்ய அவர்கள் ஒரு வழியும் சொல்லவில்லை. பெரும் அளவு புயலினாலும், வெள்ளத்தினாலும் சேதம் ஏற்பட்டிருக்கும். அந்த ஜில்லாவில் அதிக உரம் செய்ததும், பூச்சியின் காரணமாய் சேதம் ஏற்படுவதால் விவசாயிகள் மிகவும் பாதிக்கப்பட்டு கஷ்டப்படுகிறார்கள். பூச்சியினால் பாதிக்கப்பட்ட நிலங்கள் உடையவர்களுக்கும், இன்னும் பாதிக்கப்படுகிறவர்களுக்கும் உதவி செய்வதற்காக சர்க்கார் குறைந்த பட்சம் வரி வஜாவாவது செய்யவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

\* **THE HON. SRI M. BHAKTAVATSALAM :** Sir "Kulai Noi" or blast disease as it is called is a very serious fungus disease on paddy and attacks the plants at different stages. If it is not checked in the initial stages through adoption of remedial measures, it may lead to chaffiness of the entire ear-head and loss of yield. The severity of the disease can be minimised by spraying the affected crops with 1 per cent Bordeaux Mixture or any copper fungicides like Perenox, Cupravite Fungi Copper (a combination of copper sulphate and lime). When the neck is affected, ear-heads become chaffy and the crop is a complete failure. In such cases the fields present a scorched-up appearance.

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The first infection on the leaves was noticed in the nurseries at Annavasal, Moolangudi of Mannargudi taluk. Remedial measures were immediately taken and the disease was brought under check. Intensive propaganda was immediately carried on by the Agricultural extension staff. The Collector also was requested on 26th December 1955 to give wide publicity to the existence of the disease through revenue staff. The All-India Radio was requested to announce the prevalence of the disease indicating the remedial and control measures to be adopted in their farmers programmes. The entire district of Tanjore has been declared pest-affected by the Collector at the instance of the Agricultural Department as early as 13th October 1955. The total area affected by blast in the entire Tanjore district is estimated to be 3,000 acres. Of this 60 per cent (1,800 acres) is reported to show neck infection. The area having neck infection has to be considered as completely lost.

The Agriculture Department have evolved paddy strains which are resistant to blast disease. Co25 and ADT 25 are two of the most popular blast-resistant strains which are suited to the Tanjore district. Seeds of these two strains are available in the agricultural depots. I myself saw in Tanjore yesterday that plants of Co 25 and ADT 25 were completely unaffected by this disease, while the plants of other local strains were affected. I may assure the hon. Member that the Government are doing everything that they can by way of propaganda and by adoption of measures to check the incidence of this disease.

#### IV.—PRESENTATION OF THE REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION.

SRI S. S. KOLKEBAIL (Chairman of the Committee on Subordinate Legislation) : Sir, I beg to present the first report<sup>a</sup> of the Committee on Subordinate Legislation.

#### V.—NON-OFFICIAL RESOLUTION *RE* SESSION OF THE LEGISLATURE AT OOTACAMUND.

\* SRI P. T. RAJAN : Mr. Speaker, I beg to move the resolution that stands in my name—

“ That this House recommends to the Government to make arrangements for holding the sittings of the Legislature in Ootacamund in April or May 1956.”

There may possibly be two arguments against the acceptance of this resolution. One is on the ground of the extra cost involved which, I believe, is about fifty thousand rupees. The other is that a party which had opposed exodus to the hills once will have to go back on the stand it took if it were to accept this resolution.

I have been a regular visitor to Ootacamund ever since 1921, because Ootacamund was the summer headquarters of the Government of Madras. Almost all the Select Committees met there every



[Sri P. T. Rajan]

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year. Prior to 1920 the Legislative Council used to meet in Ootacamund. Those were days when the strength of the Council was very limited.

10.10  
a.m.

After the Britisher left India, Ootacamund, which was the centre of life and which attracted visitors from all over India, put up a very desolate and deserted appearance. Ootacamund was the Queen of the hill stations, and any one who visited it felt happy. India felt proud that it had a hill station like Ootacamund. I feel that we, Madras, ought to feel more proud than others. I may incidentally mention that committees of the Government of India and other committees have met in Ootacamund very often. The Madras Race Course also felt that races should be arranged in Ootacamund to attract crowds from the plains. I am glad to feel that the Government have now seen their way to help Ootacamund to gain its former glory. This is only an indirect help and not a direct help. The amount of extra expenditure involved is only Rs. 50,000. Even granting that it costs a little more than Rs. 50,000, it is worthwhile incurring that expenditure to make Ootacamund once again prosperous.

As regards the question that the party which once opposed this annual move to Ootacamund should not go back on its earlier resolution, I would say that if one changes one's colour, it might be a sign of opportunism, but if one changes one's opinion, it is only a sign of wisdom. I take this opportunity to congratulate the Hon. the Leader of the House on changing his views, namely, that it is high time that the Government went to the rescue of the people of Ootacamund. I do hope that no part of the House will oppose this resolution. There may be some persons outside the House who may oppose this move, but so far as this House is concerned, I hope it will accept it and also the Government will accept it.

SRI S. DAIVASIGAMONEY : I second the resolution, Sir.

MR. SPEAKER : Motion moved—

“ That this House recommends to the Government to make arrangements for holding the sittings of the Legislature in Ootacamund in April or May 1956.”

The motion is before the House for discussion. The hon. Member Sri V. Balakrishnan will now speak.

10-35  
a.m.

\* SRI V. BALAKRISHNAN : கனம் சபாநாயகர் அவர்களே, இந்தத் தீர்மானம் கொண்டுவருவதினால் ஒரு சிலருக்கு நன்மை செய்யக்கூடியதாகவும், அதே சமயத்தில் பலருக்குத் தீமை பயக்கக்கூடியதாய் இருந்தபோதிலும் இந்தத் தீர்மானத்தை நான் வரவேற்கிறேன். இந்தத் தீர்மானத்தைக் கொண்டுவரும் ஸ்ரீ பி. டி. ராஜன் நீலகிரியிலிருந்து மிகுந்த அனுபவம் பெற்றவர். அவர் சென்னை சட்டசபைக் கூட்டம் உதகமண்டலத்தில் நடத்துவதற்கு வேண்டிய ஏற்பாடு செய்யுமாறு சர்க்காருக்கு சிபார்சு செய்யும் தீர்மானத்தை கொண்டுவந்திருக்கிறார்.

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நீலகிரி சுகவாசத்திற்கு மிகுந்த வசதியான இடம். அங்கே ஏராளமான காய்கறி வகைகளும் உணவுப்பொருள்களும் கிடைக்கும். கோடைக் காலங்களில் போய்த் தங்குவதற்கு ஏற்ற இடம். முன்பெல்லாம் வெள்ளைக் காரர்களும், பெரிய பணக்காரர்களும், ஜமீன்தாரர்களும் நீலகிரியிலும், கொடைக்கானலிலும், கோடைக்காலங்களில் போய் தங்குவார்கள். நீலகிரியில் வசிப்பவர்கள் துரைகளிடம் வேலைக்கு அமர்ந்து ஒரு சிறிது காலம் வயிறு உண்டு சுகமாக வாழ்ந்துவந்தார்கள். நீலகிரியில் இருக்கும் ஒருவர் சொன்னார் “சுதந்திரம் வருவதற்கு முன்பு அதாவது வெள்ளைக் காரர்கள் இருந்தபோது, பெரிய பணக்காரர்களும், பெரிய உத்தியோகஸ்தர்களும் இங்கு வந்து அடிக்கடி தங்குவார்கள். அவர்கள் நிறைய ஆட்களை வேலைக்கு தங்களிடத்தில் அமர்த்திக்கொள்வார்கள். அவர்கள் சாப்பிடுவதையெல்லாம் எங்களுக்குப் பங்கு கொடுப்பார்கள். அப்பொழுது எங்களுக்கு வேலையிருந்துகொண்டேயிருக்கும். அப்பொழுது நாங்கள் வயிறு சாப்பிடுவோம். ஒரு விதமான கவலையும் கிடையாது. ஆனால் சுதந்திரம் வந்த பிறகு வெள்ளைக்காரர்கள் போய்விட்டார்கள். நாங்கள் மிகுந்த கஷ்டத்திற்குள்ளாக இருக்கிறோம். அரைவயிறு கஞ்சியும் சரியாக கிடைப்பதில்லை. இப்பொழுது பணக்காரர்களும், சர்க்கார் உத்தியோகஸ்தர்களும் சென்னையிலிருந்து வருகிறார்கள். என்ன பிரயோஜனம்? தங்களுக்கு வேண்டியவற்றையெல்லாம் அவர்கள் அங்கிருந்தே மூட்டைக்கட்டிக் கொண்டுவந்துவிடுகிறார்கள். இரண்டு வாரத்திற்கு இங்கு வந்து தங்குவதாயிருந்தாலும், சாப்பாட்டிற்கு வேண்டிய அரிசி, பருப்பு, மிளகாய், புளி, ஏன் அம்மி முதலிய எல்லாவற்றையும் கொண்டுவந்துவிடுகிறார்கள். போதாததற்குறைக்கு ஊர்க்காரையும் ஜாடியில் கொண்டுவருகிறார்கள். பால் நீலகிரியில் வாங்கவேண்டுமே என்பதற்காக சொந்த பசுவையே ரயில்வே வாகினில் ஏற்றிக்கொண்டுவந்துவிடுகிறார்கள். இவர்கள் தங்கள் ஊரிலிருந்தே இவ்வாறு எல்லாவற்றையும் கொண்டுவருவதினால், இங்குக்கும் வியாபாரிகளுக்கும், சிறிய கடைக்காரர்களுக்கும், தொழிலாளர்களுக்கும், வியாபாரமும் ஆகாமல், வேலையும் கிடைக்காமல் திண்டாடுகிறார்கள். ஆதலால் எங்கள் பொருளாதார நிலை மிகவும் பாதிக்கப்பட்டிருக்கிறது” என்று சொன்னார். இது உண்மை. இந்த வருத்தம் நீலகிரி மக்களை வாட்டுகிறது. இந்த மனப்பான்மையில்தான் நீலகிரி மக்களும் கர்நாடகராஜ்யத்தோடு சேர எண்ணுகிறார்கள். இந்த வருத்தம் கொண்டிருப்பவர்களை, நமது அரசாங்க மந்திரி ஒருவர் மட்டும் படாமல் பதில் சொல்கிறவர் சமீபத்தில் இதே நீலகிரி மக்களை அவமதித்து பேசியிருக்கிறார்கள். சில மக்கள் மந்திரியை அணுகி அவர்களுக்கு இருக்கும் குறைகளை எடுத்துச்சொல்லி நம் நாட்டில் தாண்டவமாடும் லஞ்ச ஊழல்களை சுட்டிக் காண்பிக்கும் பொழுது மந்திரி பொருமையை இழந்து “லஞ்ச ஊழல்களைப் பற்றி உங்களிடத்தில் நான் தெரிந்து கொள்ளவேண்டியதில்லை” என்று பதில் சொன்னாராம். இதே மந்திரி இன்னொரு மானவர் கூட்டத்திலும் அவர்கள், நீலகிரி மக்களைச் சென்னை சர்க்கார் கவனிக்கப்படுகிறதில்லை என்ற காரணத்தால்தான், நீலகிரி மக்கள் சென்னையிலிருந்து பிரிந்து போக விரும்புகிறார்கள் என்று தெரிவித்ததற்கு “ஓ உங்களை ஒவ்வொருவராக கண்காணிக் நாங்கள் சர்க்காரில் அமையவில்லை” என்று மந்திரி பதில் சொன்னாராம். இந்த இரண்டு சம்பவம் நீலகிரி மக்களை துன்புறுத்தி, மனதை நோகச்செய்திருக்கிறது. இதைப்போன்ற குறைகளை நிவர்த்தி செய்ய நமக்கு இது நல்ல சந்தர்ப்பம். நாம் சில நாட்களுக்கு அவர்கள் மத்தியிலே தங்கி, அவர்களை நேரில் கண்டு நட்பு ஏற்படுத்தி, நல்லெண்ணம் உண்டாக்குவதற்கு சபை ஊட்டியில் கூடுவது நல்ல வாய்ப்பு. நீலகிரி மக்களின் குறைகளை போக்கவும் அவர்களின் சுகவாழ்வுக்கு சென்னை அரசாங்கம், மக்கள் பிரதிநிதிகள் எல்லோரும் அக்கரை கொண்டுள்ளார்கள் என்பதை எடுத்துக்காட்டுவதற்கு இந்தத் தீர்மானம் நிறைவேற்றப்படவேண்டுமென்றும், அமுலாக்கப்படவேண்டுமென்றும் கேட்டுக்கொள்கிறேன்.

**SRI V. MUTHU :** நீலகிரிக்குச் செல்லும்போது அவரவர்களுக்கு வேண்டிய உணவுப் பொருள்களையும் ஊருகாயையும் கொண்டபோகவேண்டியதில்லை. சர்க்காரே அந்தப் பொருள்களை அங்கே வாங்குவதற்கு சௌகரியம்



[Sri V. Muthu] [30th January 1956]

செய்வார்கள் என்று சொன்னார்கள். அப்படியென்றால் தம்பதி சமேதராய் போகும் அங்கத்தினருக்கும் எல்லா வசதிகளும் செய்துகொடுப்பார்களா ? (சிரிப்பு.)

10-40 a.m. SRI A. M. RATHNASWAMY : “ Mr. Speaker, I am sorry I am constrained to oppose the resolution so ably moved by hon. Member Sri P. T. Rajan. We should take into consideration the context of the present situation when this resolution is moved in this House. We should also take into consideration the feelings of the people outside this House and we must also consider what amount of backing there will be for this kind of resolution. Ever since the Congress took up the reins of administration in this country, it began to shake off all the vestiges of imperialism. The popular Congress Ministry when it took up the reins of administrative responsibility in this State in 1937 under the able leadership of Sri Rajagopalachariar, this question of holding a session of the Legislature in Ooty was considered and that Ministry rightly decided that the session could very well be held in Madras and there was absolutely no need to hold it in Ooty.

Sir, I doubt very much the statement made by the hon. Mover of the resolution when he said that the expenditure would be only Rs. 50,000. Sir, when we feel like having a session in Ooty, the whole Capital should move and you can very well imagine the implication, financial and otherwise, of such a move. The whole Secretariat has got to move and many of the paraphernalia have got to be observed. There is already a feeling in this country that there is a good deal of redtapism still continuing. We can imagine what amount of delay in the disposal of papers there will be if the session has to be held in Ooty. I do not know whether the hon. Mover of the resolution feels that the Secretariat has also got to be moved to Ooty or not. In case it was necessary, it will entail a good deal of expenditure. If, however, the Secretariat had to function in Madras and the session had to be held in Ooty, I am afraid the delay in the disposal of papers will be enormous. What amount of difficulties and inconvenience would be experienced by the people? I leave it to the imagination of the hon. Mover and also the Government. I am afraid that this is not a popular move. After all, our Congress Ministries both in the various States and in the Centre are endeavouring their very best to build up a true democracy in this country. Democracy was defined by no less a person than Abraham Lincoln that it is a Government of the people by the people and for the people. Therefore, we have got to take sufficient caution and care in this kind of move before any decision could be arrived at on this question. It was all right for the Europeans to have the session in Ooty so far as this State was concerned and in Simla so far as the Central Government was concerned. Those people came from a very cold country and so wanted to have some relaxation and rest in this hot country. But, I wonder how there can be any analogy between we Indians and those Europeans. After all, we are born and bred up in a hot place. I would only

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like to tell the hon. Mover of the resolution that after all we are trying to build up a Government based on democratic lines and are trying to create a socialistic pattern of society in this country with the Gandhian background. So, I appeal to him to understand the implications of his move. We are struggling very hard to see that the Second Five-Year Plan which is going to be taken up by our Government is implemented successfully. Even assuming that the extra expenditure will be to the tune of Rs. 50,000 I would like to point out that that sum is not a small one. Nowadays, every pie counts. There is already a feeling in the minds of the people that the tax burden is very great. Considering the various points and the implications of his move, I urge upon the hon. Mover of the resolution to withdraw it. Thank you, Sir.

THE HON. SRI C. SUBRAMANIAM: Mr. Speaker, **I want to** intervene at this stage of the debate, because there seems to be certain misunderstanding with reference to the scope of the resolution and also the matters involved if the Resolution is to be implemented. Sir, the idea of having a sitting of the Legislature on the hills was considered at the meeting of the Business Advisory Committee and there was some unanimity of opinion about it and I was asked to investigate the financial implications. I asked the Secretariat to find out what would be the extra expenditure. We find that if all the Members attend the session at Ootacamund, we will be incurring an extra expenditure of Rs. 50,000 by way of increased travelling allowance. As far as daily allowance is concerned, there will not be any increased expenditure as the same daily allowance which is paid in Madras will be paid there also. Then, the entire Legislature Secretariat will have to be moved to the hills. The expenditure on this account will come to about Rs. 13,000 and odd. A skeleton staff of the Secretariat—and not the entire Secretariat as pointed out by the hon. Member Sri Rathnaswamy—will also have to be moved to the hills and the expenditure on this account will be to the extent of Rs. 10,000. We will have to secure accommodation for the Legislature Secretariat and also for the meeting of the Legislature. The expenditure on that account will come to about Rs. 2,500. On the whole, it is estimated that the extra expenditure will come to Rs. 33,000 or Rs. 35,000. I have put it at Rs. 50,000 as there are likely to be some other items of expenditure which could not be foreseen at present. This will be the order of expenditure. As far as expenditure is concerned, it is not much. As far as the Government are concerned, we are prepared to abide by the decision of the Assembly and we have no particular views. This question will have to be looked at not merely from the point of view of the convenience of the Members. I know some of the hon. Members and some of my Colleagues are very much opposed to this idea, because the climate of Ootacamund does not agree with them. As a matter of fact, their experience is that at the hills, they feel often sick. It is not a question of convenience of the Ministers or even of the Members. I am sure that some hon. Members may



[Sri C. Subramaniam]

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not feel quite congenial at Ootacamund. So, it is not a question of convenience of the Ministers. As far as the Ministers are concerned, they can go to Ootacamund even if the Legislature is not sitting there and nobody can prevent it.

10-50 a.m. Therefore, the question of the convenience of the Ministers does not arise. In my humble view, the convenience of the Members does not arise here. The question is whether it is desirable to have a sitting there. Sir, in this connexion, I would like to point out that simply because we have got independence and we are working for a Socialistic pattern of society, that does not mean that people should not enjoy certain conveniences like holiday resorts. On the other hand, the Government are of the view that we should develop our holiday resorts to a greater extent and their intention is to see that these holiday resorts should be made available not only to rich persons, to whom alone they are restricted now, but also to the middle class and poor classes of our people. It is only from that point of view that we want to develop holiday resorts like Ootacamund, Coonoor, Kodaikanal and Courtallam. In developing them, it is our view to see that the lower classes of Government servants, the Non-Gazetted officers, also get an opportunity to spend some time in these holiday resorts by rotation and a scheme is under the consideration of the Government. The Planning Commission and the Government of India are very particular that these amenities should be provided for Government employees, particularly the low-paid Government employees. Apart from the question of the sitting of the Legislature, it is the intention of the Government to see that these holiday resorts are developed and are made available to the poorer class of people and I am sure that when I come before this House at the appropriate time—if I happen to be in charge of the Finance portfolio—I will get the wholehearted support of the entire House in making provision for giving holiday facilities for the low-paid officials in these holiday resorts. I think during the War time these facilities were made available to certain categories of Government employees. Therefore, it is necessary to develop not only these three or four holiday resorts but also some more holiday resorts which we will have to look for and develop. That is the idea of the Government. If that be so, it should be taken into consideration whether it should not give a fillip for the development of these areas if the hon. Members also sit there for a short time for this purpose and it is from that aspect hon. Members should consider the question.

Then there is the other point raised by the hon. Member Sri Rathnasami, who said that there was likely to be delay and that people are likely to misunderstand. I am sure there is no question of delay being involved because of our having a sitting of the Legislature at Ootacamund. So far as the Heads of Departments are concerned and so far as the Secretariat is concerned, mostly they will be functioning only at Madras and our sitting in the Hill station will not in any way interfere with the disposal of papers.

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I would like the hon. Members to consider this and to come to a decision on this issue. Unless there is unanimous acceptance of this proposal, the Government do not want to take up the responsibility of having a sitting at Ootacamund. Even if there is an unanimous resolution, the Government will have to further investigate into the facilities available there, not only for the purpose of holding a sitting of the Legislature there, but also to find out whether hon. Members could be properly accommodated there. It should be possible to get accommodation which should be within the means of all the hon. Members. All these aspects will have to be taken into consideration before a final decision is arrived at. I would like hon. Members to consider this resolution in a dispassionate way, without attaching any political considerations to it, and therefore I would request the various Parties concerned not to try to make political capital out of this. Whatever decision is arrived at by the House, certainly it will be considered by the Government. If it is the wish of this House that there should be a sitting on the Hills, certainly, so far as the Government are concerned, they will try their best to find out the various facilities which should be made available for that purpose. Therefore, there should be no misunderstanding on this issue.

I would also like to mention another aspect. Some people think how far spending a sum of Rs. 50,000 is going to improve the Nilgiris. We will be spending not only the sum of Rs. 50,000. The amount which would ordinarily be spent in Madras would also be spent in addition to the sum of Rs. 50,000. My own view is that if we hold that session here, we would be spending about Rs. 2 to 3 lakhs. This sum of Rs. 2 to 3 lakhs, which we would spend in Madras, will also be spent in the Nilgiris. All the daily allowance, which would be paid to the hon. Members, and the additional amounts which many hon. Members can afford to spend, will all be spent there. All this would go for the purpose of stabilising the life on the Hills. That is an aspect which the hon. Members will have to bear in mind.

As I have already stated, the Government have no particular views in this matter. They are prepared to be guided by the sense of this House and by the resolution of this House. That is all I have to mention at this stage. If any additional points are raised, I am sure, if necessary, I will be given an opportunity to say, by way of reply, the Government's point of view in respect of those points.

SRI H. B. ARI GOWDER: Mr. Speaker, Sir, ordinarily a representative of a host district, if I may say so, should welcome a move of this kind. As a matter of fact, years ago, we were bitterly complaining against the stopping of the exodus to the Hill station but we were told the reasons and then we realized that we should not complain any more. The main reasons are advanced from the point of view of health. It is not a matter of shifting or going from one plain hot country to another plain cool



[Sri H. B. Ari Gowder]

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country like Europe, America or other countries of the world. It is a matter of moving up the hills, that is, to a higher elevation, where rarified air and less oxygen are the result. "After forty, avoid upstairs" is the maxim. I really do not know how many Members have got sound heart. Even if they have, I doubt very much whether everybody will go there perfectly protected against the sudden onslaught of what is called "heart attack". Men who have walked up the hills have the experience of loss of breath. In the hills, it is always a case of walking up the hills one way or the other. There are people who may be predisposed to heart attacks. They will have to be very careful. Then there is the usual complaint of hill diarrhoea. By itself, hill diarrhoea is not very serious, but if complications set in, it is serious.

I.—ANNOUNCEMENT BY THE HON. SPEAKER—*cont.*

(2) OBSERVANCE OF SILENCE IN MEMORY OF MARTYRS IN THE  
CAUSE OF INDIA'S FREEDOM—*cont.*

11 a.m. MR. SPEAKER: All hon. Members will stand and observe silence for two minutes in memory of those who laid down their lives in the struggle for India's freedom.

All the Members stood up and observed silence for two minutes.

V.—NON-OFFICIAL RESOLUTION *re* SESSION OF THE  
LEGISLATURE AT OOTACAMUND—*cont.*

SRI H. B. ARI GOWDER (*cont.*): Every member who desires to go to the hills would be well-advised to go equipped with blankets and other warm clothing and shoes or boots as the case may be. Many of the members, I am afraid, will find no use for them after this year because they may not be elected again to this Assembly.

There is another factor for which the Hon. Minister has forgotten to make provision in the budget.

(The Finance Minister was turning to the other side and conversing.)

I wish he turns to my side. If some of the members fall ill, I am afraid their wives will put in claims for compensation. Plenty of provision must be made for that. As regards bachelors, nobody will mourn their loss. (A voice: Why should not the wives of the members accompany the members?) If the wives of the members are permitted to go to the hills as my Friend suggests, the number of applications for compensation will increase. I think it is a heavy responsibility that the Government and this House will have to take if, in spite of the wish of some members to the contrary, this House decides by a majority to go to the hills. I think it is a legal matter about which the Government will have to consult their legal adviser.

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**SRI V. R. KRISHNA AYYAR :** Sir, the Hon. the Minister for Finance says that there was some kind of unanimity or agreement among the various parties. But I find Sri K. P. Gopalan representing one party and Sri Koran representing another party (Praja Socialist Party) both objecting to this move. May I know whether the opposition as such of the Praja Socialist Party is the same as that of the Communist Party?

**THE HON. SRI C. SUBRAMANIAM :** In view of the fact that there is no unanimity, and the political parties are opposing this move, the Government also are against the resolution.

\* **SRI P. T. RAJAN :** Much ado about nothing has been made. There was unanimity in the Committee with a view to helping Ootacamund. It was not a question of anyone trying to make political capital. No doubt the Hon. the Leader of the House was very cautious. If there is not going to be unanimity, I have certainly no hesitation in withdrawing my resolution.

The resolution was, by leave, withdrawn.

#### VI.—MOTION UNDER RULE 21 (3) OF THE ASSEMBLY RULES.

**THE HON. SRI C. SUBRAMANIAM :** Mr. Speaker, Sir, I move—

“ That under rule 21 (3) of the Assembly Rules, the Madras Compulsory Labour (Amendment) Bill, 1955, be postponed and the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1956, be taken up now.”

The motion was put and carried.

#### VII.—GOVERNMENT BILL.

##### THE SOUTH KANARA CULTIVATING TENANTS PROTECTION (AMENDMENT) BILL, 1956.

**THE HON. SRI C. SUBRAMANIAM :** Sir, I beg to introduce the South Kanara Cultivating Tenants Protection (Amendment) Bill<sup>a</sup>, 1956, and move—

“ That the Bill be taken into consideration at once.”

Sir, this is a very simple Bill. In view of the fact that we have not been able to finalise the Tenancy Bill and also the various issues relating to land reform, it is necessary to extend the life of the Act. That is the object of this Amendment Bill. I hope the House will pass this Bill unanimously.

**MR. SPEAKER :** Motion moved—

“ That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1956, be taken into consideration at once.”

\* **SRI L. C. PAIS :** Sir, the Bill, as has been pointed out, seeks practically to extend the life of the existing Act. Certainly there cannot be two opinions on the subject. The present Act seeks to



[Sri L. C. Pais]

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give enough safeguards to good tenants who have been paying their rents regularly, and prevent their evictions. So far as the main purpose of the Act is sought to be subserved and extended, there can certainly be no objection. What South Kanara has always been feeling and hoping for is some sort of just legislation which while protecting the tenants would also give enough safeguards to the landholders. In other words, what we expect is a legislation which will not be termed expropriatory. In the hope that this legislation will eventually come, we support the present Bill.

**SRI C. KANDASAMY :** கணம் சபாநாயகர் அவர்களே, இந்தச் சட்டம் நீடிக்கப்படுவது பற்றி ஆட்சேபணை கிடையாது. சென்ற வருஷம் இந்தச் சட்டம் இயற்றப்பட்டபொழுது, அதில் இருக்கக்கூடிய பிரச்சனைகளைப் பற்றி விரிவாக பரிசீலனை செய்யப்படுமென்றும், அந்த அடிப்படையில் விரிவான சட்டம் கொண்டுவரப்படுமென்றும், அது வரையில் இந்தச் சட்டம் தாற்காலிகமாக அமுலில் இருக்குமென்றும் சொல்லப்பட்டது. தென் கன்னடத்தில் இருக்கக்கூடிய விவசாயிகளின் பல தரப்பட்ட பிரச்சனைகளை கணக்கில் எடுத்துக்கொண்டு, மற்ற பிரதேசத்திலுள்ள விவசாயிகளுக்கும் நிவாரணம் வந்துகொண்டிருக்கிறது என்ற நிலைமையில், ராஜ்யத்தின் ஒரு பகுதியில் உள்ள விவசாயிகளுக்கு வேறொரு ரூபத்தில் குறைபாடுகள், கஷ்டங்கள் இருக்கலாம் என்பதையும் கணக்கிலெடுத்துக் கொண்டு, அரசாங்கம் சீக்கிரமாக விரிவான சட்டம் கொண்டுவர முயற்சி செய்வவேண்டுமென்பதைத் தெரிவித்துக்கொண்டு, இந்தச் சட்டத்தை இப்பொழுது நான் ஆதரிக்கிறேன்.

**THE HON. SRI C. SUBRAMANIAM :** I am glad that it has been agreed that there is need for this amending legislation. I may assure hon. Members that the various aspects of the comprehensive land reform Bill are under consideration. Pending that Bill, this legislation is being brought forward. We will have to take into consideration proposals for the reorganization of States also. Considering that this Bill has become inevitable, I am glad to note there is unanimous support to this Bill.

**MR. SPEAKER :** The question is—

“That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1956, be taken into consideration at once.”

The motion was put and carried and the Bill was taken into consideration.

Clause 2, clause 1 and the preamble were put and carried.

**THE HON. SRI C. SUBRAMANIAM :** Sir, I move—

“That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1956, be passed.”

**MR. SPEAKER :** The question is—

“That the South Kanara Cultivating Tenants Protection (Amendment) Bill, 1956, be passed.”

The motion was put and carried and the Bill was passed.

**MR. SPEAKER :** I now adjourn the House *sine die*.

The House then adjourned *sine die*.

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# APPENDIX I.

[Vide answer to starred question No. 3084 asked by Sri S. C. C. Anthony Pillai at the meeting of the Legislative Assembly held on 30th January 1956, page 306 supra.]

*Disputes in Messrs. East Asiatic Company, Limited, and William Jacks and Company, Limited, Madras.*

*East Asiatic Company (India), Limited, Madras.*—At present there is no dispute in this company regarding scales of pay and dearness allowance of the clerical staff. But in 1954, a dispute was raised demanding increased scales of pay to the clerical staff. There was no dispute regarding dearness allowance.

*William Jacks and Company, Limited, Madras.*—The answer is in the negative.

*East Asiatic Company (India), Limited, Madras.*—The following scales of wages were in existence when conciliation began :—

| Clerical staff. |         | Scale of pay.         |  |
|-----------------|---------|-----------------------|--|
| Grade B-II      | .. .. . | 40—2—48—EB—2—58.      |  |
| „ B-I           | .. .. . | 60—2½—67½—EB—2½—80.   |  |
| „ A-II          | .. .. . | 50—3—59—EB—4—75.      |  |
| „ B-I           | .. .. . | 80—5—105—EB—6—141.    |  |
| „ X             | .. .. . | 150—7½—180—EB—10—230. |  |

*Dearness allowance that was in existence.*—Dearness allowance at the rate of As. 3 per point of cost of living index for Madras City over and above 100 points, is being paid to the employees.

*William Jacks and Company, Limited, Madras.*—The question does not arise.

*East Asiatic Company (India), Limited, Madras.*—The dispute was referred for adjudication in January 1955, and the award of the Tribunal was published in August 1955.

*William Jacks and Company, Limited, Madras.*—The question does not arise.

# APPENDIX II.

[Vide answer to starred question No. 3086 asked by Sri M. Dharmalingam at the meeting of the Legislative Assembly held on 30th January 1956, page 307 supra.]

(a) Yes.

(b) The estate was taken over with effect from 7th September 1950 under the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.



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(c) All the village and last grade servants, except four vettis, have been absorbed in Government service. The four vettis are also being continued temporarily till the ryotwari settlement is over.

(d) All the last grade servants retained under the Government are treated on a par with their counterparts working in the ryotwari areas except in the following two respects :—

(i) Four last grade servants working under the four Revenue Inspectors in charge of estate areas are paid fixed travelling allowance at the rate of Rs. 4-8-0 per mensem as against the rate of Rs. 9-14-0 per mensem paid in other ryotwari areas. This difference is maintained because the estate firkas are smaller in extent than the ryotwari firkas and the rate of Rs. 4-8-0 is the same as what was obtaining before the estates were taken over.

(ii) The last grade servants are allowed the benefits of the Contributory Provident Fund scheme to which they were previously eligible instead of the benefits of pension as in the case of other Government servants in ryotwari areas, with reference to rule 12 of the rules issued under sections 60 (2) of the Abolition Act.

The village officers and the village servants retained under the Government are not at present treated on a par with their counterparts in the ryotwari areas in regard to emoluments, etc. They are paid at the same rates as they were getting prior to the taking over of the estates.

### APPENDIX III.

[Vide answer to clause (b) of starred question No. 3089 asked by Sri M. Narayanan Nambiar at the meeting of the Legislative Assembly held on 30th January 1956, page 310 supra.]

| Name of schemes.                                                                                                                    | Estimated cost.       |                            |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------|
|                                                                                                                                     | Non-recurring.<br>RS. | Recurring.<br>RS.          |
| 1 Scheme for providing common kiln and improving the quality of glazed pottery manufacture at Karigiri in the North Arcot district. | 2,500                 | 2,500                      |
| 2 Scheme for a Pottery Training Centre at Alankar in the South Kanara district.                                                     | 3,000                 | 6,400                      |
| 3 Scheme for a Pottery Production-cum-training centre at Manamadurai in the Ramanathapuram district.                                | 4,500                 | 8,712                      |
| 4 Scheme for a Service-cum-Experimental centre for clay pipe manufacture in Andimadam village of Malampuzha Project area.           | 18,500                | 4,850<br>(excluding staff) |

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## APPENDIX IV.

[Vide answer to starred question No. 3091 asked by Sri V. R. Krishna Ayyar at the meeting of the Legislative Assembly held on 30th January 1956, page 311 supra.]

| Serial number and name of taluk. | The number of applications for the lease of waste lands received by Tahsildars in the Malabar district under section 52 of the Malabar Tenancy Act from 1st January 1954 to 15th August 1955. | The number of applications sanctioned. | The details thereof.                                                                                                                                                                                                                                                                                                       | Remarks. |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| (1)                              | (2)                                                                                                                                                                                           | (3)                                    | (4)                                                                                                                                                                                                                                                                                                                        | (5)      |
| 1 Fort Cochin ..                 | Nil.                                                                                                                                                                                          | ..                                     | ....                                                                                                                                                                                                                                                                                                                       |          |
| 2 Chirakkal ..                   | 6                                                                                                                                                                                             | ..                                     | The applicants and the jenmies settled the matter amicably between themselves and therefore no applications have been sanctioned.                                                                                                                                                                                          |          |
| 3 Kottayam ..                    | Nil.                                                                                                                                                                                          | ..                                     | ....                                                                                                                                                                                                                                                                                                                       |          |
| 4 Kurumbranad.                   | 8                                                                                                                                                                                             | ..                                     | The lands applied for are the subject-matter of a civil suit. The jenmi of the land has stated that she is only awaiting the final decree of the court to improve the land and cultivate them personally. The petitions are under enquiry,                                                                                 |          |
| 5 Kozhikode ..                   | 115                                                                                                                                                                                           | ..                                     | The applications were rejected as it was not permissible to lease out the lands.                                                                                                                                                                                                                                           |          |
| 6 Wynaad ..                      | 19                                                                                                                                                                                            | ..                                     | In nine cases, the lands applied for came within the purview of the Madras Preservation of Private Forests Act. Therefore the applicants were directed to obtain the permission of the collector under the Madras Preservation of Private Forests Act. The land lords are agreeable to lease out the lands in these cases. |          |
|                                  |                                                                                                                                                                                               |                                        | In six cases, notice to landholders under section 52 (1) of the Act has been issued and expiry of notice time is awaited for taking further action.                                                                                                                                                                        |          |
|                                  |                                                                                                                                                                                               |                                        | In the remaining four cases the lands applied for are those which are exempted under section 2 of the Act and therefore the applications were rejected.                                                                                                                                                                    |          |



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| Serial number and name of taluk. | The number of applications for the lease of waste lands received by the Tahsildars in the Malabar district under section 52 of the Malabar Tenancy Act from 1st January 1954 to 15th August 1955. | The number of applications sanctioned. | The details thereof.                                                                                                                                                                                                                                                                                                | Remarks. |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| (1)                              | (2)                                                                                                                                                                                               | (3)                                    | (4)                                                                                                                                                                                                                                                                                                                 | (5)      |
| 7 Ernad ..                       | 119                                                                                                                                                                                               | ..                                     | One hundred and seventeen applications were rejected as those petitions related to Forest areas which do not satisfy the conditions laid down by the Government. In one case, notice has been issued to the owner to get the land cultivated. Notice time has not expired. The remaining one case is under enquiry. |          |
| 8 Walluvanad ..                  | ..                                                                                                                                                                                                | ..                                     |                                                                                                                                                                                                                                                                                                                     | ....     |
| 9 Palghat ..                     | ..                                                                                                                                                                                                | ..                                     |                                                                                                                                                                                                                                                                                                                     | ....     |
| 10 Ponnani ..                    | ..                                                                                                                                                                                                | ..                                     |                                                                                                                                                                                                                                                                                                                     | ....     |
| Total ..                         | <u>267</u>                                                                                                                                                                                        | <u>..</u>                              |                                                                                                                                                                                                                                                                                                                     | ....     |

## APPENDIX V.

[Vide answer to starred question No. 3112 asked by Sri N. K. Palanisamy at the meeting of the Legislative Assembly held on 30th January 1956, page 325 supra.]

(a) The Government of India have split up the Hindu Code into separate parts for the purpose of facilitating its discussion and passage in Parliament. In 1954, this Government offered their views in respect of a part of the Code, viz., the Hindu Succession Bill, 1954, at the request of the Government of India.

(b) This Government were in general agreement with the provisions of the Hindu Succession Bill, 1954, and suggested certain additions and deletions to the provisions contained in the clauses of the Bill besides some redrafts of certain clauses to the Government of India as detailed below :—

## Clause 9.

The following suggestion for redraft of this clause was recommended for consideration by the Government of India :—

“ As it stands, the first entry is given preference only with reference to the second entry. This will lead to complications.

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Supposing second entry heirs do not exist, but the first and third line exist. The language is not sufficient or clear enough to give the first entry heirs preference over the third entry heirs. The clause should be worded "those standing in the first entry under clause II shall be preferred to those standing in the subsequent entries", or it might be worded as "those standing under the entries in each clause shall be preferred to those standing in entries below."

*Clause 12.*

This clause was recommended to be recast as follows :—

"In the absence of any preferential heir specified in clause I or clause II of the Schedule agnates related to the deceased within five degrees shall be entitled to succeed in accordance with the rules set out in this Act.

*Clause 13.*

This clause was recommended to be recast as follows :—

"In the absence of any preferential heir or agnate, cognates related to the deceased within five degrees shall be entitled to succeed in accordance with the rules set out in this Act."

*Clause 26.*

Sub-clause (1) of this clause is likely to give room for some controversy. It states, among other things, that if a female acquires *any* property, movable or immovable, in lieu of maintenance or arrears of maintenance, it shall be held by her as full owner and not as a limited owner. Widows of deceased coparceners, who do not get a right to demand partition of joint family property by reason of their husbands having died before Central Act XVIII of 1937 came into force, are entitled to maintenance as against joint family property. There are instances where such widows are given some properties to be enjoyed by them in lieu of maintenance. It is a case of acquisition of property in *lieu* maintenance as contemplated in clause 26 (1). Though joint family property is excluded from its applicability, it is possible to contend, by reason of the very wide language, particularly the expression "any property" used in clause 26 (1), that if, after the coming into force of this Bill, a widow is given some items of joint family property of her deceased husband to be enjoyed by her in lieu of her maintenance, she should be deemed to become the full owner of those items.

There is yet another point in clause 26 (1). It does not say that its applicability is subject to contract between the parties or that it is applicable notwithstanding any contract to the contrary. If, after the coming into force of this Bill, the widow and the other preferential heirs enter into a *bona fide* compromise whereby the widow is given the whole property or a share larger than the



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lawful share due to her, subject to the condition that she should enjoy the property as a maintenance holder, without any right of alienation the question would arise whether the contract should prevail or not. Perhaps, the correct view may be that no one can contract out of a statute. But it seems desirable to put the matter beyond controversy.

*Clause 32 (2) (b).*

The standard of virtuousness may vary from person to person and it is by no means possible to fix a minimum standard of virtuousness so as to entitle a disciple to claim the right. The word ' virtuous ' may be omitted.

*Clause 37.*

In the notes on clauses in respect of this clause it is stated that where any immovable property or any business devolves upon male and female heirs, this clause would enable the male heirs, if they so desire, to buy off compulsorily the share of the female heirs. This does not seem to follow easily from a reading of the clause. The clause may be recast so as to bring out the object clearly.

*Clause 39.*

No doubt, unchastity which is a disqualification for a wife to succeed to her husband's property is not a disqualification for her to succeed to her son's property or father's property or to the properties of others to whom she is a heir. This cannot be said to be an anomaly if we give due regard to the principles on which the rule of disqualification is based. According to Hindus, even as a matter of that, according to all other religionists, chastity in a wife is the first thing required. That principle does not apply to an unchaste woman claiming to be a heir to others. It is presumably in that view the framers of this Bill have thought it necessary to give a statutory force to the disqualification so far as the right to inherit the husband's property is concerned. So long as Hindus continue to regard marriage as a sacrament and not as a mere contract, the disqualification provided for in clause 39 may be allowed to continue.

The proviso to this clause was recommended to be omitted in view of the following suggestion :—

“ The proviso is too stringent. It is well known that a Hindu does not very often go to courts to expose his wife's unchastity. The more respectable a man is, the less he is likely to resort to courts. The unchaste wife does not mind being dragged to courts. But the husband responsible for the future of his children and also for his position in the eyes of the public does not resort to court for a mere declaration to that effect. An unchaste wife may not care to get maintenance. It is doubtful whether even a declaration suit about the unchastity of his wife by a husband will lie at

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all. It is not a thing relating to his status or his rights to property. There is no grave injury or loss caused by reason of the removal of the clause because the courts are very much averse to finding unchastity at the instance of prospective heirs. In the absence of direct evidence, the courts hold it as not proved, and direct evidence is equally disbelieved on the ground that it is improbable. The existence of such a proviso will be a great danger in the hands of unscrupulous unchaste woman. The proviso as it stands may be removed."

*Clause 41.*

This Government recommended to the Government of India the following suggestion for suitably amending this clause :—

" Section 41 ought to be reworded as relating to a person who has been convicted of the offence of murder, or the offence of the abetment of the commission of murder, by a Criminal Court. To do so otherwise, viz., to leave the section as it stands, would be to invite a fruitful source of discord and confusion. Murder is an offence with a precise and technical degree of definition under the Indian Penal Code. It would be most undesirable that Civil Courts should proceed into the question whether a man who has been acquitted of murder by a Criminal Court, for instance, or who was never been charged with the offence, has really committed murder or not. But if the section is left as it stands, an argument may well be raised that even the acquittal does not bind the Civil Court, and that it should arrive at an independent conclusion on the evidence."

*Clause 42.*

This Government agreed with the following views of Sri S. Varadachariar, retired Judge, Federal Court :—

" I am not satisfied as to the propriety of making an exception in favour of descendants who may be reconverted to Hinduism. The condition that they should have been reconverted to Hinduism before the succession opens may, no doubt, minimise the chances of opportunist or pretended conversions for obtaining an inheritance. But the position would in any event, be anomalous if the reconversion should take place in the second or third generation after the conversion. It would certainly seem strange to a Hindu that a heritable relationship should suddenly spring up between two families whose members had for two generations belonged to different religions. It is to say the least doubtful if members of the family who had remained Hindus can claim to succeed to the property of the person who had been reconverted. Their relationship is not the result of a form of marriage known to the Hindu Law so far as the intervening convert members are concerned. I would therefore omit the words ' unless such children or descendants are Hindus at the time when the succession opens.'"

They expressed to the Government of India that the reasons given in the ' notes on clauses ' under this clause for the inclusion



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of the words " unless such children or descendants are Hindus at the time when the succession opens " do not in any way meet the objection pointed out by Sri S. Varadachariar. There is no question of reconversion in the case of persons born of converts from Hinduism. At the time of their birth, they are governed by the religion of their parents, that is the religion to which their parents converted themselves. If such offsprings were to adopt Hinduism, it is a case of conversion and not reconversion of Hinduism. The legal concept underlying the principle of disqualification on account of conversion is that the convert becomes civilly dead from the moment of conversion and the children born to such a person are incompetent, in any conception whatsoever, to restore the old relationship so as to claim right of succession by their conversion to Hinduism. In other words, the children of the convert from Hinduism cannot acquire any right of succession to Hindus by their mere conversion to Hinduism. Their status to succeed should necessarily depend upon the status of their parents, for it is only through the parents they can claim the right of succession. This Government therefore recommended the omission of the words " unless such children or descendants are Hindus at the time when the succession opens " as pointed out by Sri S. Varadachariar.

## APPENDIX VI.

[Vide item IV on page 331 supra.]

COMPOSITION OF THE COMMITTEE ON SUBORDINATE  
LEGISLATION.

(Constituted on the 14th February 1955.)

## CHAIRMAN :

Sri S. S. KOLKEBAIL.

## MEMBERS :

Sri T. GANAPATHY.

Sri V. GOPALA GOUNDER.

Sri K. C. GOPALAN UNNI.

Sri M. JAGANNATHAN.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri K. RAJARAM.

Sri K. M. SEETHI SAHIB.

Sri C. SUBRAMANIAM, Minister for Finance.

## SECRETARIAT :

Sri T. HANUMANTHAPPA—*Secretary*.Sri G. M. ALAGARSWAMY—*Assistant Secretary*.

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## PART I—REPORT.

### FIRST REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION.

#### INTRODUCTION.

1. I, the Chairman of the Committee on Subordinate Legislation, having been authorized by the Committee to submit the report on their behalf present this, the First Report of the Committee.

2. The Committee on Subordinate Legislation is one of the newly constituted Committees in accordance with Rule 195 of the Madras Assembly Rules which were framed under clause (1) of Article 208 of the Constitution. These rules came into force on the 15th December 1954, and this Committee was nominated by the Hon. the Speaker on the 14th February 1955.

#### FUNCTIONS OF THE COMMITTEE.

3. The functions of the Committee are to scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the Statutes delegating such powers. The Committee have, in particular, to consider—

(i) whether it is in accord with the general objects of the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of the Assembly;

(iii) whether it imposes taxation;

(iv) whether it directly or indirectly bars the jurisdiction of the court;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in the publication or laying of it before the Legislature; and

(ix) whether for any reason its form or purport calls for any elucidation.



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## SITTINGS OF THE COMMITTEE.

4. The Committee held four sittings from the date of its constitution to the date of this report. The first sitting of the Committee was held on 28th March 1955, when Sri J. Sivashannugam Pillai, the then Speaker of the Madras Legislative Assembly, inaugurated the Committee with a short speech wherein he explained the role of the committee on Subordinate Legislation in a Parliamentary Democracy and the lines on which the Committee should proceed with its work. Then the Committee had a general discussion about the scope and functions and the procedure that should be adopted for examining the rules, etc., issued by the authorities to whom the power to make such rules has been delegated, under the various enactments. The Committee being a new one, constituted very recently, decided to examine only the rules placed on the table of the House from 1st April 1954. The Committee have accordingly considered the rules and notifications mentioned in Appendix A.

#### ABSENCE OF PROVISIONS IN ACTS DELEGATING LEGISLATIVE POWERS FOR THE LAYING OF RULES ON THE TABLE OF THE HOUSE.

5. The Committee found that there were several Madras Acts wherein powers had been delegated to various subordinate authorities to make rules but those Acts did not contain any provision for placing the rules on the table of the House. In the absence of such a provision, the House has no opportunity to take notice of such rules and rectify them, if the powers had been exceeded. The Committee considered this aspect and decided that they should also have power to scrutinize all the rules framed since 1st April 1954 but not placed before the House and submit a report to the House. The Committee therefore decided that instructions should be issued to the Departments of the Secretariat requesting them to send to the Legislature Secretariat copies of all such rules as soon as they are framed.

#### SUGGESTIONS FOR AMENDING THE RULES OF PROCEDURE OF THE ASSEMBLY.

6. While Rule 195 of the Assembly Rules provides that the Committee may scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the statute delegating such powers, Rule 202 limits the Committee's powers of scrutiny to regulations, rules, sub-rules, by-laws, etc., framed in pursuance of the delegation and '*Laid before the House*'. The Committee, therefore, recommend that Rule 202 may be suitably amended so as to bring all the regulations, rules, sub-rules, by-laws, etc., framed in pursuance of such delegation within the purview of the Committee's scrutiny, irrespective of the fact whether there is, or, is not, a provision in the Act to place such rules, regulations, sub-rules, by-laws, etc., before the

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House. The Committee, therefore, decided that instructions should be issued to the Departments of the Secretariat requesting them to send to the Legislature Secretariat copies of all regulations, rules, sub-rules, by-laws, etc., framed since 1st April 1954 in pursuance of any delegation so that the committee could scrutinize them.

7. While scrutinizing the amendments to rules under the Motor Vehicles Act a question was raised whether the Committee was competent to examine such rules as such rules were framed in pursuance of an Act of the Central Legislature and not in pursuance of an Act of the State Legislature.

8. Further, other rules, such as regulations made under proviso to clause 3 of Article 320 of the Constitution relating to the services and posts, wherein it will not be necessary for a Public Service Commission to be consulted, are also laid before the House. Under the existing rules the Committee is not competent to scrutinize such regulations, as they are not issued in pursuance of any delegation by the State Legislature. But all the same the Committee feel that the scrutiny of such rules, regulations, etc., is desirable. The Committee, therefore, recommend that Rules 195 and 202 of the Assembly Rules should be amended so as to include such rules and regulations also within the scope of the scrutiny of the Committee and the House.

#### EFFECT OF NOT PLACING RULES ON THE TABLE OF THE HOUSE.

9. In a recent judgment, the Madras High Court has held that the provision to place rules framed under section 133 of the Motor Vehicles Act before the State Legislature is only directory and the non-compliance with such a provision would not make the rules *void and inoperative*. The Committee after considering the situation arising out of the judgment, however, feel that no specific recommendation regarding the inclusion of a penalty clause in the Acts need be made, as the Executive will hereafter place all the rules on the table of the House without fail.

#### UNIFORMITY IN THE PROVISIONS OF ACTS DELEGATING LEGISLATIVE POWERS.

10. The Committee note that the provisions of the Acts delegating legislative powers are not uniform. The following types of provisions exist in the Acts of this State, viz. :—

(a) The State Government may make rules to carry out the purpose of this Act.

[The Madras Indebted Agriculturists (Temporary Relief) Act, 1954.]

(b) The State Government may, by notification in the *Fort St. George Gazette*, make rules for purpose of carrying into effect the provisions of this Act.

(The Madras Contingency Fund Act, 1954.)



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(c) . . . if any difficulty arises in giving effect to the provision of this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

[The Madras Slum Improvement (Acquisition of Land) Act, 1954.]

(d) . . . All rules made under this section shall be published in the *Fort St. George Gazette* and upon such publication shall have the effect as if enacted in this Act.

[The Madras Land Revenue (Surcharge) Act, 1954.]

(e) All rules made by the State Government . . . shall, as soon as possible after they are made, be laid on the table of the House of the Legislature.

(The Madras Dramatic Performances Act, 1954.)

(f) All notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of the Legislative Assembly . . . and shall be subject to such modifications and alterations whether by way of repeal or amendment as the Legislative Assembly may make during the session in which they are so laid.

(The Bhavanisagar Township Act, 1954.)

The Committee considered these and decided to recommend that in all future legislation the form specified below may be followed :—

“ All rules, notifications and orders made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications and alterations whether by way of repeal or amendment as the Legislative Assembly may make during the session in which they are so laid.”

#### MODE OF PRINTING AMENDMENTS TO RULES.

11. After publication of rules there are occasions when such rules are amended. Whenever such rules are amended only the amendments are placed on the table of the House but not with the respective original rule. To enable the members to understand the significance of the amendments, the respective original rule should also be placed on the table. The Committee, therefore, recommend that, whenever a rule is amended and when the amendment of the rule is placed on the table of the House, the respective original rule and the rule as amended should be printed side by side and placed as annexure as is being done in the case of amending Bills.

#### BILLS CONTAINING PROPOSALS FOR DELEGATION OF LEGISLATIVE POWERS.

12. Rule 89 of the Assembly Rules provides that a Bill involving proposals for the delegation of power shall be accompanied by a memorandum explaining such proposals and drawing attention to

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their scope. In practice it was found that the explanatory memorandum was not annexed to the Bill but received separately after some time. The Committee recommend that in future such a memorandum should be printed along with the Bill itself as in the Lok Sabha.

### NUMBERING OF RULES AND AMENDMENTS TO RULES SERIALLY.

13. The Committee find that in the Union Government whenever rules are framed or amendments issued to such rules they are serially numbered before their publication in the Official Gazette. Such practice is not in vogue in our State. For purposes of easy reference and to facilitate scrutiny, the Committee feel that such numbering, before publication in the Official Gazette is absolutely necessary. Therefore, the Committee recommend that hereafter all rules framed or amendments issued should be serially numbered and published in the Official Gazette. The Committee further recommend that whenever rules or amendments to rules are sent to the Controller of Stationery and Printing, for publication in the Official Gazette, a copy of such rules or amendments, as the case may be, should be sent simultaneously to the Legislature Secretariat.

### SCRUTINY OF RULES—DELAY IN LAYING THE RULES ON THE TABLE.

14. The Committee examined rules and sub-rules placed on the table since 1st April 1954, mentioned in appendix A. In majority of the cases, the Committee noted that there was much delay in placing the rules published on the table of the House. In some cases, the delay was more than three months—vide appendix B. The Committee, therefore, decided that if such rules are not placed within a month of their publication, the delay should be considered as unjustifiable.

### ANOMALIES IN RULES FRAMED WITH RETROSPECTIVE EFFECT.

15. While considering the rules framed under the Madras Land Revenue (Surcharge) Act, 1954, the Committee noted that the rules were issued on 6th September 1954 giving them retrospective effect from 1st July 1954 and under sub-rule (3) of Rule 3 every landholder, who is liable to pay a land revenue of a sum exceeding Rs. 500 for a fasli in respect of all lands held by him in the State should submit the return to the authority concerned in the prescribed form within one month of the beginning of each fasli and failure to submit such return is made punishable under Rule 9 with a fine which may extend to Rs. 500. The Committee noted that the time prescribed for the submission of returns, viz., 31st July 1954, had already expired before the rules themselves were published (6th September 1954). This anomaly was, no doubt,

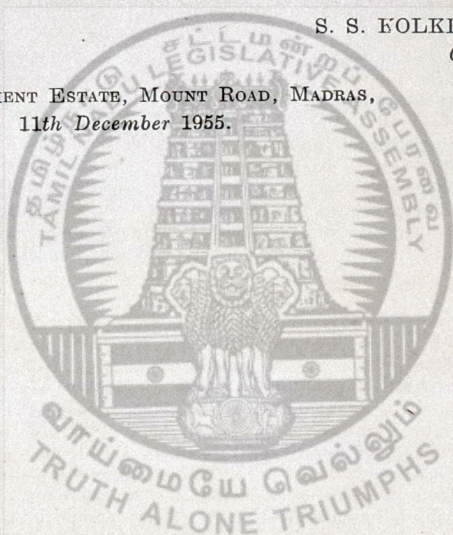


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rectified by a subsequent amendment to rule 3 (3) which was published on 19th January 1955 extending the time fixed for submitting the returns for fasli 1364 till 31st January 1955. The Committee wish to emphasize that, in future, care should be taken by the departments concerned that whenever rules were given retrospective effect, the dates prescribed therein should be so fixed as to enable the persons concerned to comply with them and that they are not penalized or put to unnecessary trouble for no fault of theirs.

S. S. KOLKEBAIL,  
*Chairman.*

GOVERNMENT ESTATE, MOUNT ROAD, MADRAS,  
11th December 1955.



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## MINUTES.

### FIRST MEETING.

**Monday, the 28th March 1955.**

The Committee on Subordinate Legislation constituted by the Madras Legislative Assembly on the 14th February 1955 held its first meeting in the Chamber of the Hon. the Speaker, Government Estate, Mount Road, at 4-30 p.m.

#### PRESENT :

Sri S. S. KOLKEBAIL (*Chairman*).

#### *Members.*

Sri K. C. GOPALAN UNNI.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri K. M. SEETHI SAHIB.

The Secretary to the State Legislature was also present.

The Hon. the Speaker of the Legislative Assembly, Sri J. Sivasanmugam Pillai, inaugurating the Committee said that the conception and powers of the Government in the last century were more or less like that of a police State. Now the Socialistic ideas have entered into the minds of the people and the Governments, not only in this country, but elsewhere also, have begun to exercise greater control over the society as a whole and in the nature of things it was not possible for the Legislatures to legislate on all matters. It became therefore necessary to delegate certain powers to the Government. This delegation went on to such an extent that almost unlimited powers were taken by the executive under the rule making powers with the result that the Government became almost a modern despotism. So the question of delegation of powers came to be considered elsewhere and in this country also, with a view to restrain the executive from overstepping its limits. Recently this question was discussed at the conference of Presiding Officers also. Though certain conclusions were arrived at in respect of this matter they had necessarily to remain nebulous till the ideas about the Government and their functions took definite shape.

Referring to the scope and function of the Committee the Hon. the Speaker said that following the practice in English Parliament they had delegated powers to the Government to frame rules under legislations passed by the Legislature. It was the duty of this Committee to scrutinize such rules and to see that the powers delegated by the Legislature to the Government were properly used and were within the boundary drawn by the Legislature. If Government had gone beyond the limits set by the Legislature in



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any matter, the Committee would bring such cases to the notice of the Legislature. He, however, pointed out that the Committee would have no jurisdiction over the administrative orders passed by the Government. They could scrutinize only rules framed in pursuance of any legislation passed by the Legislature. Wishing the Committee all success in its work, he said that Madras had been the pioneer in many matters and hoped that the Committee would also work in such a manner as to become the pioneer to other Legislatures in India in this matter also.

The Secretary to the State Legislature then explained how the Committee on Subordinate Legislation of the Lok Sabha functioned. He said, the office examined the rules, prepared notes and put them up before the Committee. The Members of the Committee examined the rules with reference to the notes put up by the department and offered their remarks. The Committee even called witnesses, including Secretaries to Government, if necessary, and recorded their findings. These were incorporated finally in the form of a report and placed before the Lok Sabha. This report was then communicated to the departments concerned.

Sri P. S. Krishnaswamy Ayyangar suggested that an experienced parliamentarian might be requested to address the Committee on the scope and functions of such a committee before they started on their work. The Hon. the Speaker informed the Member that there was sufficient literature on the subject and if only the member went through it, that would be sufficient to enlighten him on the scope and functions of the Committee.

The Chairman pointed out that in certain legislations Government took powers to make rules but did not make a provision in the Act itself for placing such rules on the table of the House. Rules framed under such an Act were therefore not placed on the table of the House and the Legislature had no opportunity to scrutinize such rules. He wanted that such rules should also be placed on the table of the House and the Committee should scrutinize them. The Hon. the Speaker pointed out that to get over such difficulties, in England the Parliament had passed the law called the Statutory Instruments Act which made it obligatory on the part of the Government to place all rules framed by Government in pursuance of Acts passed by Parliament whether express provision in this regard was contained in the particular Act or not. The Committee might suggest the passing of similar legislation here also. On request made by Sri P. S. Krishnaswamy Ayyangar and Sri K. P. Kuttikrishnan Nair, the Chairman said he would circulate to members copy of the Statutory Instruments Act of England.

The Committee then considered the question whether they should scrutinize all rules framed by the Government as and from May 1952 when the new Assembly came into existence or confine its examination to rules framed from the date of the constitution of the Committee. After some discussion the Committee decided

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to examine all rules placed on the table of the House since 1st April 1954 and also rules which were framed and not placed before the House from that date.

The Committee also decided to recommend to Government to bring in legislation containing provisions in line with the Statutory Instruments Act of England ensuring the placing before the Legislature of all rules framed by the Government in pursuance of the Acts passed by the Legislature, since rules framed by Government in pursuance of certain Act have not been placed before the House.

In respect of staff required to assist the Committee in its work, the Chairman said that the present staff was inadequate and considering the technical and special nature of the work to be done by the Committee, he suggested that Government might be requested to sanction additional staff, for attending to the Committee's work. The Committee agreed to the suggestion of the Chairman and decided to request the Government to sanction necessary staff to attend to this additional work.

In respect of issue of rules by the Government, the Secretary referred to the practice obtaining in Lok Sabha and said that the Rules were serially numbered by the Press to facilitate scrutiny. He suggested that that procedure might be adopted here also. The Committee therefore decided that Government might be requested to follow the procedure adopted in Lok Sabha in the matter of printing rules issued under various Acts passed by this Legislature, namely, that rules framed in pursuance of the Acts passed by the Legislature when published should be numbered by the Press serially and then placed on the table of the House.

The Committee then adjourned to meet again on the 13th June 1955.

## SECOND MEETING.

**Friday, the 1st July 1955.**

The Committee met from 11 a.m. to 12-10 p.m. in the Committee Room, Government Estate, Mount Road, Madras.

### PRESENT :

Sri S. S. KOLKEBAIL (*Chairman*).

### *Members.*

Sri T. GANAPATHY.

Sri V. GOPALA GOUNDER.

Sri K. C. GOPALAN UNNI.

Sri M. JAGANNATHAN.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. P. KUTTIKRISHNAN NAIR.

Sri K. RAJARAM.

Sri K. M. SEETHI SAHIB.

Sri C. SUBRAMANIAM, Minister for Finance.



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*Secretariat.*Sri T. HANUMANTHAPPA—*Secretary.*Sri A. MANICKAVELU—*Assistant Secretary.*

At the outset, the Chairman referred to the note circulated to the members of the Committee by the Legislature Secretariat on the powers of the Committee to scrutinize certain "rules and regulations" framed and placed on the table of the House, in pursuance of the powers delegated to the State Government by the Parliament and by the Constitution and pointed out that Rule 202 of the Madras Assembly Rules did not provide for bringing the above rules and regulations within the purview of the Committee and therefore required to be amended.

2. Sri C. Subramaniam pointed out that with reference to rules framed under certain sections of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the Government did not derive authority from the State Legislature to frame those rules. It was in pursuance of authority derived by virtue of a parliamentary enactment that those rules were framed. Therefore, this Committee had no power to examine whether the Government had exceed their powers or not and if at all it must be the concern of the Committee on Subordinate Legislation appointed by the Parliament.

3. Sri K. C. Gopalan Unni suggested that a recommendation might be made to the Hon. the Speaker regarding the desirability of amending Rule 202 of the Madras Assembly Rules so as to bring in rules framed in pursuance of Central enactment [like the Motor Vehicles Act, 1939 (Central Act IV of 1939)] within the purview of the Committee.

4. The Committee decided that the question whether it could scrutinize the rules framed under a Central enactment should be examined and then if necessary steps might be taken to amend the Assembly Rules (Rule 202).

5. The Chairman drew the attention of the Committee to clauses (3) and (5) of Article 320 of the Constitution which provided that all regulations made under the proviso to clause (3) by the Governor should be laid for not less than fourteen days before the Legislature of the State, and pointed out that a doubt had arisen whether the Committee was empowered to examine the abovesaid regulations.

6. Sri C. Subramaniam pointed out that where the Legislature had delegated certain powers to the Government under any enactment, to frame rules, the Committee had powers to scrutinize whether the Government had gone beyond the powers delegated to them and that only to that extent the Committee could function. He did not think it was proper for the Committee to go into the regulations framed by the State Government in pursuance

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of the powers conferred by the Constitution, because it was a power given by the Constitution to the Government and not by any legislative enactment.

7. At this stage the Secretary referred to Rule 264 of the Lok Sabha Rules which reads as follows :—

“ There shall be a Committee on Subordinate Legislation to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, by-laws, etc., conferred by the Constitution or delegated by Parliament are being properly exercised within such delegation.”

8. The Committee decided to recommend that Rule 202 of the Assembly Rules may be amended suitably so as to include regulations, etc., framed under the powers vested in the Government by the Constitution.

9. It was pointed out that in the case of certain enactments there was no provision made for laying the rules framed by the Government under those enactments on the table of the House.

10. The Committee decided that all rules framed by the Government, even though there might be no provision for laying them on the table of the House under a particular enactment might be scrutinized by the Committee.

11. The Committee was of the view that a uniform procedure should be followed in respect of laying rules on the table of the House and recommended that all rules should be sent to the Legislature Secretariat within a month after their publication in the *Fort St. George Gazette*.

12. The Chairman stated that the memorandum prepared by the Legislature Secretariat on rules should also contain sufficient information and guidance as to whether the Government exceeded their powers in framing the rules under the various enactments and Sri C. Subramaniam endorsed that view and suggested that hereafter the Legislature Secretariat shall give sufficient information and guidance in the note.

13. The Legislature Secretariat was requested to indent for sufficient number of copies of the first Report of the Committee on Subordinate Legislation constituted by the Parliament to be made available to the members of the Committee.

14. The Committee then took up for consideration the various rules, with the memoranda prepared by the Legislature Secretariat thereon.

15. *Memorandum No. 1 re The Malabar Tenancy (Summary Trials) Rules, 1954 (G.O. No. 677, Revenue, 23rd March 1954).*— No modification was recommended.



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16. *Memorandum No. 2 re The Malabar Tenancy (Determination of Fair Rent) Rules, 1954 (G.O. No. 731, Revenue, 26th March 1954).*—Sri K. M. Seethi Sahib enquired whether members were at liberty to make any suggestions to the rules.

Sri C. Subramaniam said that he would welcome useful suggestions, both from the Legislature Secretariat and members of the Committee which might be sent in the form of a note, so that they could be examined by the Departments concerned.

Sri K. M. Seethi Sahib said that Rule 8 did not give much guidance with regard to the procedure to be followed with reference to presentation of Appeals. Sri K. P. Kuttikrishnan Nair drew the attention of the member to section of the Act.

No modification was recommended.

17. *Memorandum No. 3 re The Malabar Tenancy Rules, 1954 (G.O. No. 756, Revenue, 30th March 1954).*—No modification was recommended.

18. *Memorandum No. 4 re Levy of enhanced water-cess in Walayar Reservoir Project areas (G.O. No. 2905, Revenue, 13th October 1953).*—Sri V. Gopala Gounder pointed out that in this case there was a delay of more than three months in sending the notification to this Department after its publication in the *Fort St. George Gazette* and that the Committee should pass a resolution condoning the delay.

Sri C. Subramaniam said that now that a time-limit had been fixed, this aspect of the question need not be gone into.

Sri K. C. Gopalan Unni enquired whether the rates mentioned in the rules could be changed as they seemed to be very high.

Sri C. Subramaniam said that the Assembly had given powers to the Government to fix the rates and they had fixed them accordingly and that the Committee could not go into the question of the modification of the rates. If the rates were not fair, it was up to the Assembly to modify them.

No modification was recommended.

19. *Memorandum No. 5 re Amendments to Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1953 (G.O. Ms. No. 747, Home, 22nd March 1954).*—No modification was recommended.

The Committee recommended that whenever a rule was amended and when the amended rule was placed on the table of the House, the original rule also should be placed as an Annexure.

20. *Memoranda Nos. 6 to 11 re Amendments to Motor Vehicles Rules. 1939.*—Consideration was postponed.

21. *Memorandum No. 12 re. Rules framed under the Tanjore Tenants and Pannaiyal Protection Act, 1952 (G.O. Ms. No. 901, Revenue, 8th April 1954), Memorandum No. 13 re Amendment*

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to the Tanjore Tenants and Pannaial Protection Act, 1952, as ~~extended~~ to certain areas in Chidambaram and Cuddalore taluks in South Arcot district (G.O. Ms. No. 1015, Revenue, 23rd April 1954), Memorandum No. 14 re Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1954 (G.O. Ms. No. 207, Home, 28th January 1954) and Memorandum No. 15 re Exemptions made under section 11 (1) of the Madras Motor Vehicles Taxation Act, 1931.—No modification was recommended.

22. The Committee recommended to depute the Chairman to Delhi to attend the next meeting of the Parliamentary Committee on Subordinate Legislation.

The Committee then adjourned *sine die*.

### THIRD MEETING.

**Saturday, the 10th December 1955.**

The Committee met from 11 a.m. to 12-15 p.m. in the Committee Room, Government Estate, Mount Road, Madras.

#### PRESENT :

Sri S. S. KOLKEBAIL (*Chairman*).

#### Members.

Sri T. GANAPATHY.

Sri V. GOPALA GOUNDER.

Sri K. C. GOPALAN UNNI.

Sri M. JAGANNATHAN.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. RAJARAM.

Sri C. SUBRAMANIAM, Minister for Finance.

#### Secretariat.

Sri T. HANUMANTHAPPA—*Secretary*.

Sri G. M. ALAGARSWAMY—*Assistant Secretary*.

*Item 1.*—The Secretary at the outset pointed out that the Advocate-General has stated in his opinion that the Committee could take up the consideration of rules framed in pursuance of an Act of Parliament and laid on the table of the Assembly only after the Assembly Rules 202 and 195, were suitably amended.

This was agreed to.

*Item 2.*—The Secretary stated that different forms were used in the provisions made in the various Act delegating legislative powers and the Committee might consider whether it would not be desirable to adopt uniformity in this regard. In this connexion



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he also drew the attention of the Committee to the recommendations made by the Committee on Subordinate Legislation of the Lok Sabha. It was agreed that there should be uniformity.

The Hon. Sri C. Subramaniam pointed out that it might not be possible to adopt the formula suggested by Lok Sabha Committee but that they might adopt one of the forms suggested by the Legislature Secretariat with a slight modification, namely—

“ All notifications and orders made under this Act shall, as soon as possible after it is made, be placed before both houses of the Legislature, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid.”

The Madras High Court has held that failure to place rules framed in pursuance of delegated Legislation before the Legislature would not make the rules invalid as the requirement to place the rules before the Legislature is only directive and not mandatory and suggested that the Committee might recommend that if rules framed by Government were not placed on the table of the House they might stand annulled.

The Hon. Sri C. Subramaniam pointed out that the rules come into effect soon after they were published and the suggestion if accepted will lead to complications. He said that Executive should be forced to place these rules on the table of the House and lapses on the part of certain officials should not annul the rules and make the law ineffective. He also assured that action would be taken against officers responsible for such lapses.

Sri K. Raja Ram suggested that such lapses could be effectively prevented if a rule was incorporated in the Secretariat Manual to the effect that all rules framed in pursuance of Acts passed by the Legislature should be placed on the table of the House.

The Hon. Sri C. Subramaniam pointed out that there would be no difficulty in passing an order directing all departments to send to the Legislature all rules framed in pursuance of the Acts passed by the Legislature.

The Secretary then pointed out that the Committee at its first meeting had decided to examine all rules framed by Government irrespective of the fact whether there was specific provision in the Act itself that they should be placed on the table of the House or not. Recently the Government framed rules under the Forest Act. The Legal Department stated that these rules need not be laid on the table of the House as there was no specific provision in the Act itself to that effect. There were difficulties for the Committee to know whether rules were framed under a particular Act or not.

The Hon. Sri C. Subramaniam stated that the Committee had full powers to scrutinize all rules framed by Government. On his suggestion it was agreed that the Legislature Secretariat might send

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notices to all departments instructing them to send all rules framed by Government to the Legislature Secretariat irrespective of the fact whether there was a provision in the enactments or not for placing them on the table of the House.

The Secretary pointed out that, in the Lok Sabha, memorandum of delegated legislation is published along with the Bill, explaining the scope of the rules to be **framed in** pursuance of delegated legislation. **Though there is a similar provision in the Assembly Rules** (the memorandum is usually sent later on and the Committee might recommend that the procedure followed in the Lok Sabha might be followed here also.

The Hon. Sri C. Subramaniam agreed that this might be done.

*Item 3.—Memorandum No. 1 regarding levy of enhanced water-cess in Malabar district.*—No modification was recommended.

*Memorandum No. 2 regarding amendment to the Madras Commercial Crops Markets Rules, 1948.*—The Chairman pointed out that whenever a rule was amended, the old rule should also be given.

The Hon. Sri C. Subramaniam agreed that the Committee might make a recommendation to the effect that the **original rule** as well as the rule *as amended* pointing out the amendment in italics should be published instead of the amended rule alone.

This was accepted by the Committee.

*Memorandum No. 3 regarding amendment to the Madras Commercial Crops Markets Rules, 1948; Memorandum No. 4 regarding amendment to the Madras Commercial Crops Markets Rules, 1948; Memorandum No. 5 regarding amendment to the Madras Commercial Crops Markets Rules, 1948.*—No modifications were recommended in respect of these rules.

*Memorandum No. 6 regarding Madras Land Revenue (Surcharge) Rules, 1954; Memorandum No. 13 regarding Madras Land Revenue (Surcharge) Rules, 1954.*—These were taken up together for consideration.

The Secretary pointed that retrospective effect has been given to certain provisions of the Act. The form itself was prescribed in September 1954 and the landholder could not be expected to submit the declaration in that form in July 1954 itself, failure of which was made an offence.

Sri P. S. Krishnaswami Ayyangar pointed out that the defect in the working of rule 3 has subsequently been rectified and landholders had been given time till 31st January 1955.

The Chairman pointed out that the amendment was published only on 19th January 1955. It was too short a period to expect them to submit the forms by 31st January.



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The Hon. Sri C. Subramaniam stated that under the rules they were bound to submit these forms immediately. The landholders, most of them, would have submitted these subsequently, though not immediately. But strictly according to rules they had committed a breach of the rules. All these late submissions have been regularized by the amended rules. There was no question, therefore, of giving retrospective effect to the provisions of the law under the rules framed by Government.

No modifications were recommended.

*Memorandum No. 7 regarding new rule XXXI under Madras Co-operative Societies Act, 1932.*—Sri P. S. Krishnaswami Ayyangar pointed out that the wording used in sub-rule (i) (a) seemed to be defective in that it would not be practicable or possible for all the policy holders to be present at the meeting. He suggested that the wording might be suitably amended.

Sri V. Gopala Gounder suggested the omission of the word 'all' in the sub-rule.

The Hon. Sri C. Subramaniam suggested that this defect might be pointed out to the department concerned.

The Secretary pointed out that the sub-rule (iv) required every policy holder who desired to attend the meeting to apply to the society for a certificate of admission. This seemed to be unreasonable.

The Hon. Sri C. Subramaniam stated that this might have been necessitated to restrict admission only to policy holders as otherwise anybody could attend the meeting. It served just as a hall-ticket or identification certificate for an examination.

Sri K. Raja Ram wanted that every policy holder should automatically get his certificate without applying for it.

Sri V. Gopala Gounder and Sri P. S. Krishnaswami Ayyangar endorsed this view and said that the rule amounted to imposing a restriction on the rights of the policy holders.

The Hon. Sri C. Subramaniam suggested that the department concerned might be addressed for necessary clarification in regard to this matter and, if their explanation was not convincing, then the Committee might summon the representatives of the department and examine them for further clarification.

The Committee agreed to the suggestion made by the Hon. Sri C. Subramaniam and postponed consideration of this item till further clarification was obtained from the department concerned.

*Memorandum No. 8 regarding amendment to Madras Commercial Crops Market Committees Provident Fund Rules.*—The Chairman remarked that the word 'menial' was still being used.

The Hon. Sri C. Subramaniam stated that directions had already been issued that that word should not be used.

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It was decided to suggest to the department concerned to avoid the use of such words in future.

*Memorandum No. 9 regarding amendment to rules under Madras Co-operative Societies Act.*—The Chairman pointed out that there should be specific provision in the Act itself with regard to payment of travelling allowance and other allowances.

The Hon. Sri C. Subramaniam observed that this was not outside the scope of the Act. Payment of travelling allowance and other allowances was a necessary corollary to a Member being summoned to attend a meeting. If it was considered essential that such a provision should be included in the Act itself, that could be done in future enactments. He added that no amendment to the present rules was necessary.

No modification was recommended.

*Memorandum No. 10 regarding amendment to the Malabar Tenancy (Determination of Fair Rent) Rules, 1954; Memorandum No. 11 re Amendment to Madras Motor Vehicles (Taxation of Passengers and Goods) Rules; Memorandum No. 12 re Amendment to Madras Tobacco (Taxation of Sales and Registration) Rules, 1953.*—No modifications were recommended in respect of these.

*Memorandum No. 14 regarding notifications under Madras Motor Vehicles Taxation Act, 1931.*—The Committee agreed to postpone consideration of this item till February next.

*Memorandum No. 15 regarding amendment to Malabar Tenancy (Determination of Fair Rent) Rules, 1954.*—No modification was recommended.

The Committee then adjourned to meet again at 10-30 a.m. on 11th December 1955 to consider the draft report of the Committee to be submitted to the Legislative Assembly.

#### FOURTH MEETING.

**Sunday, the 11th December 1955.**

The Committee met from 10-30 a.m. to 12-30 p.m. in the Committee Room, Government Estate, Mount Road, Madras.

The following were present :—

*Chairman.*

Sri S. S. KOLKEBAIL.

*Members.*

Sri K. C. GOPALAN UNNI.

Sri P. S. KRISHNASWAMY AYYANGAR.

Sri K. RAJARAM.

Hon. Sri C. SUBRAMANIAM, Minister for Finance.



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*Secretariat.*Sri T. HANUMANTHAPPA—*Secretary.*Sri G. M. ALAGARSWAMY—*Assistant Secretary.*

The draft report was taken into consideration.

*Paragraph 1.*—Approved.

*Paragraph 2.*—Approved.

*Paragraph 3.*—The Chairman suggested that paragraph 3 might be recast as under :—

The functions of the Committee are to scrutinize and report to the House whether the powers delegated by the Legislature have been properly exercised within the framework of the statutes delegating such powers. The Committee have, in particular, to consider—

(i) whether it is in accord with the general objects of the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of the Assembly;

(iii) whether it imposes taxation;

(iv) whether it directly or indirectly bars the jurisdiction of the court;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund or the Public Revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in the publication or laying of it before the Legislature; and

(ix) whether for any reason its form or purport calls for any elucidation.

Sri P. S. Krishnaswamy Iyengar suggested that the words “ The Committee have, in particular, to consider ” might be substituted for the words “ The Committee shall, in particular, consider ”.

The Committee approved the proposed changes.

*Paragraph 4.*—Sri P. S. Krishnaswamy Iyengar suggested that the word “ accordingly ” may be added after the word “ has ” in the last sentence. This change was accepted by the Committee.

The Secretary suggested that the words “ and also the rules framed from that date but not placed before the House ” occurring in the penultimate sentence of the paragraph might be omitted. This was also agreed to by the Committee.

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*Paragraph 5.*—The Hon. Sri C. Subramaniam suggested that the last portion of the paragraph might be modified on the following lines :—

“ The Committee considered this aspect and decided that it should scrutinize those rules also and submit a report to the House. The departments might be instructed to send a copy of those rules to the Committee.”

The paragraph as redrafted reads as follows :—

“ 5. It was, however, found that there were several Madras Acts wherein powers had been delegated to various subordinate authorities to make rules but those Acts did not contain a provision for placing the rules on the table of the House. In the absence of such a provision, the House had no opportunity to take notice of such rules and also to rectify them, if the powers had been exceeded. The Committee considered this aspect and decided that they should also have power to scrutinize all the rules framed from 1st April 1954 but not placed before the House and submit a report to the House. The Committee therefore suggest that instructions should be issued to the departments of the Secretariat requesting them to send to the Legislature Secretariat copies of all such rules as soon as they are framed.”

*Paragraph 6.*—Sri P. S. Krishnaswamy Iyengar suggested the following corrections :—

(1) *Substitute* the word “ bring ” for the word “ include ” in line 9 and *delete* the words “ to be included ” in line 10.

(2) *Omit* the words “ or not ” at the end and *insert* the words “ or, is not ” after the word “ is ” in line 11.

(3) Wherever the word “ main ” occurred before the word “ Act ”, it might be omitted.

(4) That the word “ such ” might be substituted by the word “ any ” in the last sentence of the sub-paragraph.

The Chairman wanted that the words “ therefore, decide ” should be substituted in the place of the words “ however, suggest ” in the beginning of the sub-paragraph.

The Secretary suggested that the words “ so that the Committee could scrutinize them ” might be added at the end of the sub-paragraph.

The Committee approved all the above additions and alterations and, subject to these, approved paragraph 6.

*Paragraph 7.*—The Hon. Sri C. Subramaniam suggested that instead of the negative sentence at the end, viz., “ the executive will not deliberately refrain from ” the following might be substituted :—

“ the executive will hereafter place all the rules on the table of the House without fail.”



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The Committee recast the paragraph as under after incorporating the above suggestions :—

“ In a recent judgment, the Madras High Court has held that the provision to place a rule framed under section 133 of the Motor Vehicles Act before the Legislature was only directory and the non-compliance with such a provision would not make the rules *void and inoperative*. The Committee after considering the situation arising out of the judgment, however, feel that no special provision regarding the inclusion of a penalty clause in the Acts be made as the Executive will hereafter place all the rules on the table of the House without fail.”

*Paragraphs 8 and 9.*—Sri P. S. Krishnaswamy Iyengar suggested that these two paragraphs might go together. This was approved by the Committee.

*Paragraph 10.*—The paragraph was renumbered as 9. Sri K. Rajaram Naidu desired to substitute “ After publication of rules ” instead of “ After the rules have been published ” at the beginning of the paragraph. This was agreed to.

The Committee decided to substitute the word “ concerned ” for the word “ original ” in lines 5 and 8 and also the words “ amending Bills ” instead of “ amendments to Bills ” at the end.

*Paragraph 11.*—The Committee renumbered this paragraph as paragraph 10. At the suggestion of Sri P. S. Krishnaswamy Iyengar, the Committee agreed to make the following changes :—

Omit the words “ legislation of ” in line 2.

*Paragraph 12.*—The number of the paragraph was altered as 11. The Committee agreed to substitute the following as drafted in the place of the existing paragraph :—

“ The Committee find that in the Union Government whenever rules are framed or amendments issued to such rules they are serially numbered before their publication in the Gazette. Such practice is not in vogue in our State. For purposes of easy reference, the Committee feel that such numbering and publication in the Official Gazette is absolutely necessary. Therefore, the Committee recommend that all rules framed or amendments issued should be serially numbered and published in the Official Gazette.”

Sri K. Rajaram suggested that whenever any rules are published, simultaneously a copy may be sent to the Legislature Secretariat.

The following was agreed to be added at the end of the paragraph for that purpose :—

“ The Committee further recommend that whenever rules or amendment to rules are made, a copy of the same should be sent simultaneously to the Legislature Secretariat when they are sent to Press for publication.”

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*Paragraph 13.*—This paragraph was renumbered as 12 and agreed to.

*Paragraph 14.*—The Committee changed the number of the paragraph as 13. Sri P. S. Krishnaswamy Iyengar wanted to insert either the word “ class ” or “ category ” before the word “ rules ” in the last line. The Committee agreed to insert the word “ class ” before the word “ rules ”. The paragraph as amended was approved.

*Paragraph 14 (2).*—The Committee redrafted the paragraph as follows, after making some minor corrections :—

“ There are other rules also, such as regulations made under proviso to clause 3 of Article 320 of the Constitution relating to the services and posts wherein it will not be necessary for a Public Service Commission to be consulted, laid before the House. The Committee will not be competent to scrutinize such regulations as they are not placed in pursuance of an Act of the State Legislature. But all the same the scrutiny of such rules is desirable. The Committee, therefore, recommended that Rules 195 and 202 of the Assembly Rules should be amended so as to include such regulations also within their scope.”

The Committee decided to omit the last sub-paragraph.

The following was also added as the last paragraph :—

“ While considering the rules framed under the Madras Land Revenue (Surcharge) Act, 1954, the Committee noted that rules were issued on 6th September 1954, giving them retrospective effect from 1st July 1954 and under sub-rule (3) of Rule 3, every landholder who is liable to pay a land revenue of a sum exceeding Rs. 500 for a fasli in respect of all lands held by him in the State shall submit to the Collector of the district in prescribed form within one month of the beginning of each fasli and failure to submit the return is made punishable under Rule 9 with a fine which may extend to Rs. 500.”

The Committee noted that by giving retrospective effect to the rules the time prescribed under Rule 3 (3) had already expired before the rules themselves were published. This anomaly was rectified by a subsequent amendment to sub-rule (3) of Rule 3 published on 19th January 1955 which extended the time for submitting the returns for fasli 1364 till 31st January 1955. The Committee wished to emphasize that, in future, care should be taken by the departments concerned that whenever rules were given retrospective effect, the dates prescribed therein should be so fixed as to enable the persons concerned to comply with them and are not penalised or put to unnecessary trouble for no fault of theirs.

The Chairman pointed out that even the time given in the subsequent notification was not sufficient. The Hon. Sri C. Subramaniam said that the returns would have been submitted



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by the landlords and only for regularizing such returns the amendment would have been issued and that nobody would have been penalised for not submitting the return before the publication of the rules.

## APPENDIX A.

(Vide paragraph 4 of the Report.)

## LIST OF RULES AND NOTIFICATIONS CONSIDERED BY THE COMMITTEE.

## Rules made under—

## I. The Malabar Tenancy Act, 1929—

- (1) The Malabar Tenancy (Summary Trials) Rules, 1954 (G.O. No. 677, Revenue, dated 23rd March 1954).
- (2) The Malabar Tenancy (Determination of Fair Rent) Rules, 1954 (G.O. No. 731, Revenue, dated 26th March 1954).
- (3) The Malabar Tenancy Rules, 1954 (G.O. No. 756, Revenue, dated 30th March 1954).
- (4) Amendment to Malabar Tenancy (Determination of Fair Rent) Rules (G.O. Ms. No. 3632, Revenue, dated 25th December 1954).
- (5) Amendment to the Malabar Tenancy (Determination of Fair Rent) Rules, 1954 (G.O. No. 1885, Revenue, dated 16th June 1955).

## II. The Malabar Irrigation (Construction and Levy of Cess) Act, 1947—

- (1) Levy of enhanced water-cess in Walayar Reservoir Project Areas (G.O. No. 2905, Revenue, dated 13th October 1953).
- (2) Levy of enhanced water-cess in Malabar district (G.O. Ms. No. 2330, Revenue, dated 19th August 1954).

## III. The Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952—

Amendments to Madras Motor Vehicles (Taxation of Passengers and Goods) Rules, 1953 [(a) G.O. Ms. No. 747, Home, dated 22nd March 1954; (b) G.O. Ms. No. 207, Home, dated 28th January 1954; (c) G.O. Ms. No. 2980, Home, dated 8th October 1954; and (d) G.O. Ms. No. 3430, Home, dated 22nd November 1954].

## IV. The Tanjore Tenants and Pannaiyal Protection Act, 1952—

- (1) Rule made under section 16 (1) of the Tanjore Tenants and Pannaiyal Protection Act, 1952 (G.O. Ms. No. 901, Revenue, dated 8th April 1954).

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(2) Rule made under section 16 (1) of the Tanjore Tenants and Pannaiyal Protection Act, 1952, as extended to certain areas in Chidambaram and Cuddalore taluks in South Arcot district (G.O. Ms. No. 901, Revenue, dated 8th April 1954).

(3) Amendment to rule 16 of the Tanjore Tenants and Pannaiyal Protection Rules, 1952 (G.O. Ms. No. 1015, Revenue, dated 23rd April 1954).

(4) Amendment to rule 16 of the Tanjore Tenants and Pannaiyal Protection Rules, 1953, as extended to certain areas in Chidambaram and Cuddalore taluks in South Arcot district (G.O. Ms. No. 1015, Revenue, dated 23rd April 1954).

#### V. The Madras Commercial Crops Markets Act, 1933—

(1) Amendments to the Madras Commercial Crops Markets Rules, 1948 [(a) G.O. Ms. No. 677, Agriculture, dated 9th March 1954; (b) G.O. Ms. No. 696, Agriculture, dated 10th March 1954; (c) G.O. Ms. No. 2414, Agriculture, dated 20th July 1954; and (d) G.O. Ms. No. 3036, Agriculture, dated 9th October 1954].

(2) Amendment to Madras Commercial Crops Market Committees Provident Fund Rules (G.O. Ms. No. 3132, Agriculture, dated 19th October 1954).

#### VI. The Madras Land Revenue (Surcharge) Act, 1954—

(1) The Madras Land Revenue (Surcharge) Rules, 1954 (G.O. No. 2554, Revenue, dated 6th September 1954).

(2) Amendment to Madras Land Revenue (Surcharge) Rules, 1954 (G.O. No. 49, Revenue, dated 8th January 1955).

#### VII. The Madras Co-operative Societies Act, 1932—

Amendment to rules under Madras Co-operative Societies Act, 1932 (G.O. Ms. No. 75, Industries, Labour and Co-operation, dated 10th January 1955).

#### VIII. The Madras Tobacco (Taxation of Sales and Registration) Act, 1953—

Amendment to Madras Tobacco (Taxation of Sales and Registration) Rules, 1953 (Memorandum No. 23341-N/54-2, Revenue, dated 17th August 1954).

Notifications issued under the Motor Vehicles Taxation Act, 1931—

(1) G.O. Ms. No. 361, Home, dated 13th February 1954; (2) G.O. Ms. No. 150, Home, dated 20th January 1954; (3) G.O. Ms. No. 217, Home, dated 16th March 1954; (4) G.O. Ms. No. 846, Home, dated 30th March 1954; (5) G.O. Ms. No. 806, Home, dated 26th March 1954; (6) G.O. Ms. No. 1263, Home, dated 3rd May 1954; (7) G.O. Ms. No. 1659, Home, dated 8th June 1954; (8) G.O. Ms. No. 1904, Home, dated 28th June 1954; and (9) G.O. Ms. No. 1734, Home, dated 16th June 1954.



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## APPENDIX B.

**List of Rules delayed to be placed on the table of the House for more than three months after publication in the Gazette.**

| <i>Serial number and number of 'order'.</i>                     | <i>Description of order.</i>                                                      | <i>Date of publication in the gazette.</i> | <i>Date of receipt in office.</i> |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------|-----------------------------------|
| (1)                                                             | (2)                                                                               | (3)                                        | (4)                               |
| 1 G.O. No. 2905, Revenue, dated 13th October 1953.              | Levy of enhanced water-cess in Walayar Reservoir Project area.                    | 28th October 1953.                         | 8th February 1954.                |
| 2 G.O. Ms. No. 1015, Revenue, dated 23rd April 1954.            | Amendment to rule 16 of the Tanjore Tenants and Pannaiyal Protection Rules, 1952. | 10th February 1954.                        | 9th May 1954.                     |
| 3 G.O. Ms. No. 677, Agriculture, dated 9th March 1954.          | Amendment to the Madras Commercial Crops Markets Rules, 1948.                     | 14th April 1954.                           | 8th October 1954.                 |
| 4 G.O. Ms. No. 696, Agriculture, dated 10th March 1954.         | Do.                                                                               | 31st March 1954.                           | Do.                               |
| 5 G.O. Ms. No. 2414, Agriculture, dated 28th July 1954.         | Do.                                                                               | 4th August 1954.                           | Do.                               |
| 6 Memorandum No. 23341-N/54-2, Revenue, dated 17th August 1954. | Amendment to Madras Tobacco (Taxation of Sales and Registration) Rules, 1953.     | 1st September 1954.                        | 7th December 1954.                |

வாய்மையே வெல்லும்  
TRUTH ALONE TRIUMPHS

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### SUMMARY OF RECOMMENDATIONS.

1. Rule 202 of the Assembly Rules may suitably be amended so as to bring all regulations, rules, sub-rules, by-laws, etc., framed in pursuance of delegation of legislative powers within the purview of the Committee's scrutiny irrespective of the fact whether there is, or, is not, a provision in the Act to place such rules, regulations, sub-rules, by-laws, etc., before the House (paragraph 6).

2. Instructions should be issued to the department of the Secretariat requesting them to send to the Legislature Secretariat copies of all regulations, rules, sub-rules, by-laws, etc., framed since 1st April 1954, in pursuance of delegation of legislative powers so that the Committee could scrutinize them (paragraph 6).

3. Rules 195 and 202 of the Assembly Rules should suitably be amended so as to include regulations made under proviso to clause (3) of Article 320 of the Constitution also within scope of the scrutiny of the Committee (paragraph 8).

4. The Executive will hereafter place all the rules framed in pursuance of delegation of legislative powers on the table of the House *without fail* (paragraph 9).

5. Whenever a rule is amended and the amendment of the rule is placed on the table of the House, the respective original rule and the rule as amended should be printed side by side and placed as Annexure as is being done in the case of amending Bill (paragraph 11).

6. There should be uniformity in the provisions of the Acts delegating legislative powers (paragraph 10).

7. In the case of Bills involving proposals for the delegation of powers, a memorandum explaining such proposals and drawing attention to their scope, should be printed along with the Bill itself (paragraph 12).

8. All rules framed or amendments issued should be serially numbered and published in the Official Gazette (paragraph 13).

9. Whenever rules or amendments to rules are sent to the Controller of Stationery and Printing for publication in the Official Gazette a copy of such rules or amendments, as the case may be, should be sent simultaneously to the Legislature Secretariat (paragraph 13).

10. If rules framed in pursuance of delegation of legislative powers are not placed on the table of the House within a month of their publication, the delay should be considered as unjustifiable (paragraph 14).

11. Care should be taken by the departments concerned that, whenever rules were given retrospective effect, the date prescribed therein should be so fixed as to enable the persons concerned to comply with them (paragraph 15).





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EIGHTH SESSION OF THE LEGISLATIVE ASSEMBLY  
UNDER THE CONSTITUTION OF INDIA.

Volume XXIX (Nos. 1 to 4.)

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